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19 REED, and COASTAL PROTECTION
RANGERS, INC.
20

21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
23

24 CORY SPENCER, an individual;
25 DIANA MILENA REED, an
individual; and COASTAL
26 PROTECTION RANGERS, INC., a
27 California non-profit public benefit
corporation,
28

CASE NO. 2:16-cv-02129-SJO (RAOx)
**PLAINTIFF DIANA MILENA REED'S
SUPPLEMENTAL RESPONSE TO
INTERROGATORIES, SET ONE
PROPOUNDED BY DEFENDANT
BRANT BLAKEMAN**

Case No. 2:16-cv-02129-SJO (RAOx)

PLAINTIFF DIANA MILENA REED'S SUPPLEMENTAL RESPONSE TO INTERROGATORIES, SET ONE
PROPOUNDED BY DEFENDANT BRANT BLAKEMAN

1
2 Plaintiffs,

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

3 v.

4 LUNADA BAY BOYS; THE
5 INDIVIDUAL MEMBERS OF THE
6 LUNADA BAY BOYS, including but
7 not limited to SANG LEE, BRANT
8 BLAKEMAN, ALAN JOHNSTON
9 AKA JALIAN JOHNSTON,
10 MICHAEL RAE PAPAYANS,
11 ANGELO FERRARA, FRANK
12 FERRARA, CHARLIE FERRARA,
13 and N. F.; CITY OF PALOS
14 VERDES ESTATES; CHIEF OF
15 POLICE JEFF KEPLEY, in his
16 representative capacity; and DOES
17 1-10,

18 Defendants.

19 PROPOUNDING PARTY: Defendant BRANT BLAKEMAN

20 RESPONDING PARTY: Plaintiff DIANA MILENA REED

21 SET NO.: SUPPLEMENTAL

22 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff
23 DIANA MILENA REED ("Responding Party") hereby submits these
24 supplemental objections and responses to Interrogatories, Set One,
25 propounded by Defendant BRANT BLAKEMAN ("Propounding Party").

26 PRELIMINARY STATEMENT

27 Nothing in this response should be construed as an admission by
28 Responding Party with respect to the admissibility or relevance of any fact,
or of the truth or accuracy of any characterization or statement of any kind
contained in Propounding Party's Interrogatories. Responding Party has not

1 completed its investigation of the facts relating to this case, its discovery or
2 its preparation for trial. All responses and objections contained herein are
3 based only upon information that is presently available to and specifically
4 known by Responding Party. It is anticipated that further discovery,
5 independent investigation, legal research and analysis will supply additional
6 facts and add meaning to known facts, as well as establish entirely new
7 factual conclusions and legal contentions, all of which may lead to
8 substantial additions to, changes in and variations from the responses set
9 forth herein. The following objections and responses are made without
10 prejudice to Responding Party's right to produce at trial, or otherwise,
11 evidence regarding any subsequently discovered information. Responding
12 Party accordingly reserves the right to modify and amend any and all
13 responses herein as research is completed and contentions are made.

14 **SUPPLEMENTAL RESPONSES TO INTERROGATORIES**

15 **INTERROGATORY NO. 1:**

16 IDENTIFY ALL PERSONS that have knowledge of any facts that
17 support your contention that BRANT BLAKEMAN participated in any way in
18 the "commission of enumerated 'predicate crimes'" as alleged in paragraph
19 5 of the Complaint, and for each such PERSON identified state all facts you
20 contend are within that PERSON's knowledge.

21 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:**

22 Responding Party objects to this interrogatory as premature. Because
23 this interrogatory seeks or necessarily relies upon a contention, and
24 because this matter is in its early stages and pretrial discovery has only just
25 begun, Responding Party is unable to provide a complete response at this
26 time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*,
27 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*

1 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
2 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
3 interrogatory need not be answered until designated discovery is complete,
4 or until a pretrial conference or some other time.”).

5 Responding Party further objects to this interrogatory as unduly
6 burdensome, harassing, and duplicative of information disclosed in
7 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
8 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
9 and supplemental disclosures for the information sought by this
10 interrogatory. Moreover, Responding Party had the opportunity to depose
11 Ms. Reed on this topic.

12 Responding Party further objects to this interrogatory as compound.
13 This “interrogatory” contains multiple impermissible subparts, which
14 Propounding Party has propounded to circumvent the numerical limitations
15 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

16 Responding Party further objects to this interrogatory on the grounds
17 that it seeks information that is outside of Responding Party’s knowledge.

18 Responding Party further objects to the extent that this interrogatory
19 invades attorney-client privilege and/or violates the work product doctrine by
20 compelling Responding Party to disclose privileged communications and/or
21 litigation strategy.

22 Subject to and without waiver of the foregoing objections, Responding
23 Party responds as follows:

24 In addition to each defendant named in his individual capacity and
25 other persons identified in Plaintiffs’ initial and Supplemental Disclosures,
26 and the evidence submitted in support of Plaintiffs motion for class
27 certification, Responding Party identifies the following individuals:
28

1 Diana Reed: believes that Blakeman engaged in a concerted effort
2 with other Bay Boys to obstruct the plaintiffs' and the publics' free passage
3 and use in the customary manner of a public space. Reed also believes that
4 Blakeman coordinated with other Bay Boys to harass and assault the
5 plaintiffs and the public when they were visiting Lunada Bay. Reed believes
6 that the conduct directed at the plaintiffs and others trying to surf Lunada
7 Bay is part of an agreement among Blakeman and the other Bay Boys,
8 which at a minimum, may be implied by the conduct of the parties and other
9 members of the Bay Boys. Reed believes that the Bay Boys concerted
10 efforts to stop the public from accessing the beach are documented in text
11 messages and emails some of which have been destroyed or are being
12 withheld by the Defendants in this case. For example, on February 5, 2016,
13 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom
14 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and
15 several others that said "There are 5 kooks standing on the bluff taking
16 pictures...I think that same Taloa guy. Things could get ugly." A Los Angeles
17 Times photographer captured a pictured of Defendant Blakeman of the bluff
18 filming plaintiffs. Plaintiffs believe that the Bay Boys take photos and/or
19 video tape people as a form of harassment and intimidation. Plaintiffs are
20 also informed and believe that a Lunada Bay local named Joshua Bernstein
21 was taking pictures at the MLK 2014 paddle out. Plaintiffs are also informed
22 and believe that Bernstein told several people after he photographed them,
23 "Now we know who you are." Plaintiffs believe that the conducted directed at
24 Reed by Blakeman and the individual Bay Boys is because she is a woman.
25 Plaintiff is informed and believes that there are numerous text messages
26 where the Bay Boys refer to Reed as a "bitch" and make sexual comments
27 about her.

28

1 The specific acts directed against Reed include but are not limited to
2 the following:

3 i) Reed went to Lunada Bay on January 29, 2016 with Jordan
4 Wright.¹ Reed had intended to surf at Lunada Bay that day because the
5 conditions were such that she felt comfortable surfing. Immediately after
6 they parked their car along the bluffs, the harassment began. Several men
7 drove by and circled around their car. This was the day that she and Wright
8 were harassed and intimidated by David Melo. Blakeman was recording
9 them on land with his camera. It was very disturbing to Reed and made her
10 feel very uncomfortable. Plaintiffs are informed and believe that this was
11 witnessed by John MacHarg.²

12 ii) On or about February 12, 2016, The Los Angeles Times
13 published an article called "Bay Boys surfer gang cannot block access to
14 upscale beach, Coastal Commission says." Jordan Wright and Cory
15 Spencer are quoted in the article. Mr. Wright and a few others had planned
16 to surf Lunada Bay the following morning. Plaintiffs are informed and believe
17 that Defendants Johnston and Blakeman learned that Jordan Wright and
18 Diana Reed were going to Lunada Bay and planned to be there to harass
19 them. On February 12, 2016, Defendant Alan Johnston sent the following
20 text messages to an unknown recipient: "No fucking way Taloa is back this
21 year" and "If u really wanna be a bay boy we might meet help tomm."

22 iii) On February 13, 2016, Reed returned to Lunada Bay with
23 Jordan Wright to watch him surf and take photographs. Prior to her arrival,
24 she contacted the Palos Verdes Estates Police and requested an escort
25
26

27 ¹ Jordan Wright is represented by Hanson Bridgett LLP and Otten Law PC.

28 ² John McHarg is represented by Hanson Bridgett LLP and Otten Law PC.

1 from the bluffs to the beach. She was concerned about her safety given the
2 January 29, 2016 incident. She was told that the police were unavailable
3 and no officers were present when they arrived.

4 When Reed and Wright reached the beach, they encountered angry
5 locals who were yelling at them. Reed and Wright ignored the harassment
6 and Wright got into the water to surf and Reed made her way to the Rock
7 Fort where she planned to watch Wright and photograph him.

8 Approximately two hours after Reed had arrived at Lunada Bay, while
9 she was standing in the Rock Fort taking photos, Blakeman and defendant
10 Alan Johnston rushed into the fort and ran towards her in a hostile and
11 aggressive manner. It seemed that they had coordinated and orchestrated
12 the attack which completely caught Reed off guard. Blakeman was filming
13 Reed again, and at times, held his camera right in her face. It was
14 intimidating and harassing to Reed, and she feared for her safety.

15 Reed asked Blakeman and Johnston why they were filming her,
16 because it made her uncomfortable. Blakeman responded, "because I feel
17 like it." Johnston responded, "Because you're hot. Because you're fucking
18 sexy baby, wooh!" Johnston then opened a can of beer in a purposeful
19 way so that it sprayed Reed's arm and her camera. Reed, paralyzed with
20 fear, was unable to leave the Rock Fort as Blakeman and Johnston were
21 standing closest to the exit.

22 iv) Plaintiffs are informed and believe that after the incident
23 Defendant Johnston started calling and/or texting other Lunada Bay locals to
24 check for police to plan a getaway. At around 1:00 pm Brad Travers (Travers
25 Tree Service) texted Johnston: "Don't see any cops at the top." Plaintiffs are
26 informed and believe that later that day Johnston received a text from his
27
28

1 mother asking him "What happened at the bay?" Johnston replied "Nothing
2 happened really just couple of trolls they got nothing."

3 Reed further identifies the following individuals as having knowledge of
4 concerted efforts by the Bay Boys, including Blakeman:

5 Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada
6 Bay. Almost instantly after they arrived at Lunada Bay, they started getting
7 harassed by Bay Boys. They were told that they couldn't surf there, and
8 Spencer was called a "kook," which is a derogatory surfing term. Spencer
9 was also told: "why don't you fucking go home, you fucking kook;" and was
10 asked, "how many other good places did you pass to come here?" These
11 are the same types of statements made by Defendant Sang Lee and others
12 that can be observed on the video published by the Guardian.³ These
13 taunts started while Spencer and Taloa were on the bluffs getting ready to
14 surf. One individual continued to heckle Spencer and Taloa on their way
15 down to the beach and into the water.

16 Blakeman was already in the water and began paddling around
17 Spencer and Taloa in a tight circle – staying just a few feet away from them.
18 There was no legitimate reason for this conduct. Reed believes that this is a
19 tactic used by the Bay Boys to harass people.⁴ Blakeman impeded
20 Spencer's movement in any direction and was intentionally blocking him
21 from catching any waves. It was clear to Spencer that Blakeman was not
22 there to surf that morning. Instead, his mission was to prevent Spencer and
23

24 _____
25 ³ <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

26 ⁴ Plaintiffs are informed and believe that Defendant Papayans sent a text
27 message describing similar conduct: "We just had a kook out in the water
28 and me and Jack just sat on his ass."

1 Taloa from surfing and to keep them from enjoying their time in the water,
2 the open space, the waves, and nature. This the type of concerted effort was
3 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
4 people from surfing at Lunada Bay. In the approximately 90 minutes that
5 Spencer was in the water that day, Blakeman was focused on Spencer and
6 Taloa and continued to shadow their movements and sit uncomfortably
7 close to them. Spencer had never experienced anything like that before in
8 his life. It was bizarre but also incredibly frightening and disturbing. It
9 appeared to Spencer that Blakeman was coordinating his actions with a
10 group of guys who were standing in the Rock Fort, along with others in the
11 water. They were all talking to each other and it was clear they all knew
12 each other.

13 At one point while Spencer was in the water and was paddling west
14 out to the ocean, he saw a man surfing, coming in east towards the shore.
15 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
16 of the fins on his surfboard sliced open his right wrist. Spencer has about a
17 half-inch scar from where this man ran him over. As soon as the Bay Boy
18 ran him over, he started berating Spencer, saying things like "what are you
19 fucking doing out here? I told you to go home. I should have run you over.
20 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
21 was pretending that he didn't see Spencer but it was obvious that he did and
22 intentionally ran him over. With over 30 years of surfing experience, Spencer
23 knew that this collision was intentional on his part. Fearful of being further
24 injured at that point, and not wanting to get into an argument with him,
25 Spencer just paddled away. Spencer and Taloa caught one more wave after
26 that and then decided it was getting too dangerous to surf. More men started
27 showing up at the Rock Fort and Spencer and Taloa were growing
28

1 increasingly fearful for their safety. Spencer was also bleeding and in pain.
2 These incidents are described in the declarations filed with Plaintiffs' motion
3 for class certification and the deposition of Spencer.

4 Christopher Taloa⁵: As set forth above, Taloa and Spencer went
5 surfing at Lunada Bay and were harassed by Blakeman. Taloa witnessed
6 Blakeman shadowing Spencer's movement in the water. Blakeman was in
7 the water with four or five other Lunada Bay Locals. At one point, Blakeman
8 paddled toward Taloa, at which point Taloa told him that he was too close.
9 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
10 Taloa kept moving in the water, and Blakeman attempted to keep up with
11 him but was not in good enough shape to do so.

12 Jen Bell: The incident described above was witnessed by a woman
13 named Jen Bell who had gone to Lunada Bay that same day to photograph
14 a guy from Malibu. When she attempted sit down on the beach with her
15 pack, a man said: "You are practically sitting in a men's locker-room. You
16 don't make me feel comfortable." Bell continued to sit there for another 10
17 minutes because she refused to be intimidated but eventually decided to head
18 over to the fort because she saw another woman, Diana Reed, was taking
19 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It
20 was obvious from the start that Johnston and Blakeman were there with the
21 intent to harass Reed. Johnston was making rude comments to both her and
22 Reed. Blakeman was putting the GoPro in their faces. Johnston was
23 chugging multiple beers and it was early in the morning. Johnston asked her
24 to help him with his wetsuit. He said "Can you help me with this?" and
25 handed her the leg of his wetsuit. Johnston made moaning sounds when
26 _____

27 ⁵ Mr. Taloa is represented by Hanson Bridgett LLP and Otten Law PC.
28 (footnote continued)

1 she took it like he was having an orgasm.

2 Jordan Wright⁶: Wright attempted to surf Lunada Bay in January 2015
3 with Chris Claypool and Kenneth Claypool. He observed Blakeman
4 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
5 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
6 foot-high wave and was up riding for several seconds. Alan Johnston
7 paddled the wrong way on this wave, dropped in on him going the wrong
8 way on the wave, and yelled, “Oh no, you don’t!” Dropping in on a surfer
9 while going the wrong way violates normal surf etiquette. Johnston then
10 collided with Wright, and their leashes got tangled. After they surfaced from
11 the collision, Johnston then got close to Wright and yelled, “You had to
12 fucking take that wave, didn’t you!” The next wave that came through then
13 broke Wright’s leash plug and the board was carried into the rocks, which
14 destroyed a new surfboard. Wright had to swim in over rocks to get his
15 board and cut his hands on the rocks doing so. Wright is confident that
16 Johnston attempted to purposefully injure him. What he did was extremely
17 dangerous.

18 Wright has observed Blakeman on many occasions. Blakeman is easy
19 to identify because he rides a kneeboard and he is regularly filming visitors
20 on land with a camcorder. Wright believes his filming is an effort to intimidate
21 visitors. In the water, Wright has observed what appears to be Blakeman
22 directing other Bay Boys to sit close to visiting surfers. Wright has observed
23 Bay Boys who seem to be assigned to visiting surfers—they’ll sit too close to
24 the visitors, impede their movements, block their surfing, kick at them,
25 splash water at them, and dangerously drop in on them. In addition to

26 _____

27 ⁶ Mr. Wright, Chris Claypool and Ken Claypool are represented by Hanson
28 Bridgett LLP and Otten Law PC.

1 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
2 Charlie Ferrara, and David Melo engage in this activity. These incidents are
3 described in the declarations filed with Plaintiffs' motion for class
4 certification.

5 Ken Claypool: has been harassed and filmed by Blakeman in an
6 attempt to intimidate him at Lunada Bay on multiple occasions. In January
7 2015, Claypool and his brother Chris Claypool along with Jordan Wright
8 went to surf Lunada Bay. There were about five Lunada Bay locals in the
9 water, including Blakeman who paddled over and threatened them. Claypool
10 observed Blakeman intentionally drop in on Wright at least twice.

11 On February 5, 2016, Claypool went to Lunada Bay with Chris Taloa
12 and Jordan Wright. There was a photographer from the Los Angeles Times
13 that was there. Also in attendance was Cory Spencer and Diana Reed.
14 Spencer was there to watch the cars. Blakeman was there filming in an
15 effort to intimidate visitors. Blakeman can be seen in one of the pictures
16 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
17 are informed and believe that there was a text message sent that day to
18 Papayans, Michael Theil and 11 other people stating that there were 5
19 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are
20 informed that the text states: "Things could get ugly." These incidents are
21 described in the declarations filed with Plaintiffs' motion for class
22 certification.

23 Chris Claypool: he and his brother Ken and Jordan Wright attempted
24 to surf Lunada Bay in January 2015. There were about five locals in the
25 water, including Blakeman who paddled over and was yelling, "Try and catch
26 a wave and see what happens. There is no fucking way you are getting a
27 wave. Just go in. Just go. You better not cut me off." Blakeman looked
28

1 possessed or possibly on drugs. His behavior got more bizarre throughout
2 the morning. He seemed to be paddling for every wave that he could
3 physically push himself into, perhaps to make a point, but he was wiping out
4 a lot and falling down the face and tumbling across the rock reef. Blakeman
5 looked dangerous to himself. When Blakeman would actually catch a wave
6 in, he would paddle back to where Claypool and his brother were sitting, and
7 continue his insane rant. On one occasion, Blakeman came less than 12
8 inches from Claypool's ear and was screaming. It was so loud, Claypool had
9 to put his fingers in his ear to protect them from being damaged. Claypool is
10 a sound engineer and to put this in perspective, a rock concert creates about
11 120 decibels of noise - this was louder; a jet engine creates about 150
12 decibels. At one point Blakeman caught a wave and drew a line aiming right
13 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
14 as he narrowly missed Claypool's head. Claypool watched as Blakeman
15 intentionally dropped in on Jordan at least twice. It seemed obvious to
16 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
17 them were having fun. Because of the danger, they decided to leave.

18 When Claypool and his brother got out of water, they saw people
19 gathering on top of the cliff. One person was videotaping them from the top
20 of the cliff; it was clear to Claypool that he was doing this to try and
21 intimidate them. The people were watching them from the cliff. It was
22 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
23 obstruct his free passage and use in the customary manner of a public
24 space. It also seemed clear that Blakeman engaged in a concerted effort
25 with other Bay Boys to try and injure him. These incidents are described in
26 the declarations filed with Plaintiffs' motion for class certification.

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1 Jason Gersch:⁷ While observing the surf, Gersch was approached by
2 two local Bay Boys named Peter McCollum and Brant Blakeman. These
3 individuals made it known to Gersch that he could not surf there. These
4 incidents are described in the declarations filed with Plaintiffs' motion for
5 class certification.

6 Plaintiffs are informed and believe and on that basis allege that
7 Defendant Blakeman and his attorneys are attempting to intimidate
8 witnesses in this case. On at least two occasions, an investigator hired by
9 Blakeman's attorneys contacted witnesses represented by Plaintiffs'
10 attorneys. The investigator also showed up at the home of a reporter that
11 has not been listed as a witness.

12 The request is premature. Because Blakeman and the other
13 defendants are refusing to comply with their obligations to produce
14 documents under the federal rules and are impermissibly withholding
15 evidence and/or possibly spoiling evidence, we are not able to fully
16 respond to discovery requests which necessarily rely on our ability to fully
17 investigate the facts. As discovery is continuing, Reed reserves the right to
18 update this response.

19 **INTERROGATORY NO. 2:**

20 IDENTIFY ALL PERSONS that have knowledge of any facts that
21 support your contention in paragraph 7 of the Complaint that BRANT
22 BLAKEMAN "is responsible in some manner for the Bane Act violations and
23 public nuisance described in the Complaint" and for each such PERSON
24 identified state all facts you contend are within that PERSON's knowledge.

25
26
27
28 ⁷ Mr. Gersch is represented by Hanson Bridgett LLP and Otten Law PC.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:

Responding Party objects to this interrogatory as premature. Because this interrogatory seeks or necessarily relies upon a contention, and because this matter is in its early stages and pretrial discovery has only just begun, Responding Party is unable to provide a complete response at this time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention] interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.”).

Responding Party further objects to this interrogatory as unduly burdensome, harassing, and duplicative of information disclosed in Responding Party’s Rule 26(a) disclosures and supplemental disclosures. Propounding Party may look to Responding Party’s Rule 26(a) disclosures and supplemental disclosures for the information sought by this interrogatory. Moreover, Responding Party had the opportunity to depose Ms. Reed on this topic.

Responding Party further objects to this interrogatory as compound. This “interrogatory” contains multiple impermissible subparts, which Propounding Party has propounded to circumvent the numerical limitations on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

Responding Party further objects to this interrogatory on the grounds that it seeks information that is outside of Responding Party’s knowledge.

Responding Party further objects to the extent that this interrogatory invades attorney-client privilege and/or violates the work product doctrine by

1 compelling Responding Party to disclose privileged communications and/or
2 litigation strategy.

3 Subject to and without waiver of the foregoing objections, Responding
4 Party responds as follows:

5 In addition to each defendant named in his individual capacity and
6 other persons identified in Plaintiff's Initial and Supplemental Disclosures,
7 and the evidence submitted in support of Plaintiffs' motion for class
8 certification, Responding Party identifies the following individuals:

9 Diana Reed: believes that Blakeman engaged in a concerted effort
10 with other Bay Boys to obstruct the plaintiffs' and the publics' free passage
11 and use in the customary manner of a public space. Reed also believes that
12 Blakeman coordinated with other Bay Boys to harass and assault the
13 plaintiffs and the public when they were visiting Lunada Bay. Reed believes
14 that the conduct directed at the plaintiffs and others trying to surf Lunada
15 Bay is part of an agreement among Blakeman and the other Bay Boys,
16 which at a minimum, may be implied by the conduct of the parties and other
17 members of the Bay Boys. Reed believes that the Bay Boys concerted
18 efforts to stop the public from accessing the beach are documented in text
19 messages and emails some of which have been destroyed or are being
20 withheld by the Defendants in this case. For example, on February 5, 2016,
21 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom
22 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and
23 several others that said "There are 5 kooks standing on the bluff taking
24 pictures...I think that same Taloa guy. Things could get ugly.." A Los
25 Angeles Times photographer captured a pictured of Defendant Blakeman of
26 the bluff filming plaintiffs. Plaintiffs believe that the Bay Boys take photos
27 and/or video tape people as a form of harassment and intimidation. For
28

1 example, plaintiffs are also informed and believe that a Lunada Bay local
2 named Joshua Bernstein was taking pictures at the MLK 2014 paddle out.
3 Plaintiffs are also informed and believe that Bernstein told several people
4 after he photographed them, "Now we know who you are." Plaintiffs believe
5 that the conducted directed at Reed by Blakeman and the individual Bay
6 Boys is because she is a woman. Plaintiff is informed and believes that there
7 are numerous text messages where the Bay Boys refer to Reed as a "bitch"
8 and make sexual comments about her.

9 The specific acts directed against Reed include but are not limited to
10 the following:

11 i) Reed went to Lunada Bay on January 29, 2016 with Jordan
12 Wright. Reed had intended to surf at Lunada Bay that day because the
13 conditions were such that she felt comfortable surfing immediately after they
14 parked their car along the bluffs, the harassment began. Several men drove
15 by and circled around their car. This was the day that she and Wright were
16 harassed and intimidated by David Melo. Blakeman was recording them on
17 land with his camera. It was very disturbing to Reed and made her feel very
18 uncomfortable. Plaintiffs are informed and believe that this was witnessed by
19 John MacHarg.

20 ii) On or about February 12, 2016, The Los Angeles Times
21 published an article called "Bay Boys surfer gang cannot block access to
22 upscale beach, Coastal Commission says." Jordan Wright and Cory
23 Spencer are quoted in the article. Mr. Wright and a few others had planned
24 to surf Lunada Bay the following morning. Plaintiffs are informed and believe
25 that Defendants Johnston and Blakeman learned that Jordan Wright and
26 Diana Reed were going to Lunada Bay and planned to be there to harass
27 them. On February 12, 2016, Defendant Alan Johnston sent the following
28

1 text messages to an unknown recipient: “No fucking way Taloa is back this
2 year” and “If u really wanna be a bay boy we might meet help tomm.”

3 iii) On February 13, 2016, Reed returned to Lunada Bay with
4 Jordan Wright to watch him surf and take photographs. Prior to her arrival,
5 she contacted the Palos Verdes Estates Police and requested an escort
6 from the bluffs to the beach. She was concerned about her safety given the
7 January 29, 2016 incident. She was told that the police were unavailable
8 and no officers were present when they arrived.

9 When Reed and Wright reached the beach, they encountered angry
10 locals who were yelling at them. Reed and Wright ignored the harassment
11 and Wright got into the water to surf and Reed made her way to the Rock
12 Fort where she planned to watch Wright and photograph him.

13 Approximately two hours after Reed had arrived at Lunada Bay, while
14 she was standing in the Rock Fort taking photos, Blakeman and defendant
15 Alan Johnston rushed into the fort and ran towards her in a hostile and
16 aggressive manner. It seemed that they had coordinated and orchestrated
17 the attack which completely caught Reed off guard. Blakeman was filming
18 Reed again, and at times, held his camera right in her face. It was
19 intimidating and harassing to Reed, and she feared for her safety.

20 Reed asked Blakeman and Johnston why they were filming her,
21 because it made her uncomfortable. Blakeman responded, “because I feel
22 like it.” Johnston responded, “because you’re hot. Because you’re fucking
23 sexy baby, wooh!” Johnston then opened a can of beer in a purposeful
24 way so that it sprayed Reed’s arm and her camera. Reed, paralyzed with
25 fear, was unable to leave the Rock Fort as Blakeman and Johnston were
26 standing closest to the exit.

27 ///

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1
2 iv) Plaintiffs are informed and believe that after the incident
3 Defendant Johnston started calling and/or texting other Lunada Bay locals to
4 check for police to plan a getaway. At around 1:00 pm Brad Travers (Travers
5 Tree Service) texted Johnston: "Don't see any cops at the top." Plaintiffs are
6 informed and believe that later that day Johnston received a text from his
7 mother asking him "What happened at the bay?" Johnston replied "Nothing
8 happened really just couple of trolls they got nothing."

9 Reed further identifies the following individuals as having knowledge of
10 concerted efforts by the Bay Boys, including Blakeman:

11 Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada
12 Bay. Almost instantly after they arrived at Lunada Bay, they started getting
13 harassed by Bay Boys. They were told that they couldn't surf there, and
14 Spencer was called a "kook," which is a derogatory surfing term. Spencer
15 was also told: "why don't you fucking go home, you fucking kook;" and was
16 asked, "how many other good places did you pass to come here?" These
17 are the same types of statements made by Defendant Sang Lee and others
18 that can be observed on the video published by the Guardian.⁸ These
19 taunts started while Spencer and Taloa were on the bluffs getting ready to
20 surf. One individual continued to heckle Spencer and Taloa on their way
21 down to the beach and into the water.

22 Blakeman was already in the water and began paddling around
23 Spencer and Taloa in a tight circle – staying just a few feet away from them.
24 There was no legitimate reason for this conduct. Reed believes that this is a

25 _____
26 ⁸ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
27 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

28 (footnote continued)

1 tactic used by the Bay Boys to harass people.⁹ Blakeman impeded
2 Spencer's movement in any direction and was intentionally blocking him
3 from catching any waves. It was clear to Spencer that Blakeman was not
4 there to surf that morning. Instead, his mission was to prevent Spencer and
5 Taloa from surfing and to keep them from enjoying their time in the water,
6 the open space, the waves, and nature. This the type of concerted effort was
7 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
8 people from surfing at Lunada Bay. In the approximately 90 minutes that
9 Spencer was in the water that day, Blakeman was focused on Spencer and
10 Taloa and continued to shadow their movements and sit uncomfortably
11 close to them. Spencer had never experienced anything like that before in
12 his life. It was bizarre but also incredibly frightening and disturbing. It
13 appeared to Spencer that Blakeman was coordinating his actions with a
14 group of guys who were standing in the Rock Fort, along with others in the
15 water. They were all talking to each other and it was clear they all knew
16 each other.

17 At one point while Spencer was in the water and was paddling west
18 out to the ocean, he saw a man surfing, coming in east towards the shore.
19 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
20 of the fins on his surfboard sliced open his right wrist. Spencer has about a
21 half-inch scar from where this man ran him over. As soon as the Bay Boy
22 ran him over, he started berating Spencer, saying things like "what are you
23 fucking doing out here? I told you to go home. I should have run you over.
24 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
25 _____

26 ⁹ Plaintiffs are informed and believe that Defendant Papayans sent a text
27 message describing similar conduct: "We just had a kook out in the water
28 and me and Jack just sat on his ass."

1 was pretending that he didn't see Spencer but it was obvious that he did and
2 intentionally ran him over. With over 30 years of surfing experience, Spencer
3 knew that this collision was intentional on his part. Fearful of being further
4 injured at that point, and not wanting to get into an argument with him,
5 Spencer just paddled away. Spencer and Taloa caught one more wave after
6 that and then decided it was getting too dangerous to surf. More men started
7 showing up at the Rock Fort and Spencer and Taloa were growing
8 increasingly fearful for their safety. Spencer was also bleeding and in pain.
9 These incidents are described in the declarations filed with Plaintiffs' motion
10 for class certification and the deposition of Spencer.

11 Christopher Taloa: As set forth above, Taloa and Spencer went surfing
12 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
13 shadowing Spencer's movement in the water. Blakeman was in the water
14 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
15 toward Taloa, at which point Taloa told him that he was too close.
16 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
17 Taloa kept moving in the water, and Blakeman attempted to keep up with
18 him but was not in good enough shape to do so.

19 Jen Bell: The incident described above was witnessed by a woman
20 named Jen Bell who had gone to Lunada Bay that same day to photograph
21 a guy from Malibu. When she attempted sit down on the beach with her
22 pack, a man said: "You are practically sitting in a men's locker-room. You
23 don't make me feel comfortable." Bell continued to sit there for another 10
24 minutes because she refused to be intimidated but eventually decided to head
25 over to the fort because she saw another woman, Diana Reed, was taking
26 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It
27 was obvious from the start that Johnston and Blakeman were there with the
28

1 intent to harass Reed. Johnston was making rude comments to both her and
2 Reed. Blakeman was putting the GoPro in their faces. Johnston was
3 chugging multiple beers and it was early in the morning. Johnston asked her
4 to help him with his wetsuit. He said "Can you help me with this?" and
5 handed her the leg of his wetsuit. Johnston made moaning sounds when
6 she took it like he was having an orgasm.

7 Jordan Wright: Wright attempted to surf Lunada Bay in January 2015
8 with Chris Claypool and Kenneth Claypool. He observed Blakeman
9 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
10 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
11 foot-high wave and was up riding for several seconds. Alan Johnston
12 paddled the wrong way on this wave, dropped in on him going the wrong
13 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
14 while going the wrong way violates normal surf etiquette. Johnston then
15 collided with Wright, and their leashes got tangled. After they surfaced from
16 the collision, Johnston then got close to Wright and yelled, "You had to
17 fucking take that wave, didn't you!" The next wave that came through then
18 broke Wright's leash plug and the board was carried into the rocks, which
19 destroyed a new surfboard. Wright had to swim in over rocks to get his
20 board and cut his hands on the rocks doing so. Wright is confident that
21 Johnston attempted to purposefully injure him. What he did was extremely
22 dangerous.

23 Wright has observed Blakeman on many occasions. Blakeman is easy
24 to identify because he rides a kneeboard and he is regularly filming visitors
25 on land with a camcorder. Wright believes his filming is an effort to intimidate
26 visitors. In the water, Wright has observed what appears to be Blakeman
27 directing other Bay Boys to sit close to visiting surfers. Wright has observed
28

1 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
2 the visitors, impede their movements, block their surfing, kick at them,
3 splash water at them, and dangerously drop in on them. In addition to
4 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
5 Charlie Ferrara, and David Melo engage in this activity. These incidents are
6 described in the declarations filed with Plaintiffs' motion for class
7 certification.

8 Ken Claypool: has been harassed and filmed by Blakeman in an
9 attempt to intimidate him at Lunada Bay on multiple occasions. In January
10 2015, Claypool and his brother Chris Claypool along with Jordan Wright
11 went to surf Lunada Bay. There were about five Lunada Bay locals in the
12 water, including Blakeman who paddled over and threatened them. Claypool
13 observed Blakeman intentionally drop in on Wright at least twice.

14 On February 5, 2016, Claypool went to Lunada Bay with Chris Taloa
15 and Jordan Wright. There was a photographer from the Los Angeles Times
16 that was there. Also in attendance was Cory Spencer and Diana Reed.
17 Spencer was there to watch the cars. Blakeman was there filming in an
18 effort to intimidate visitors. Blakeman can be seen in one of the pictures
19 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
20 are informed and believe that there was a text message sent that day to
21 Papayans, Michael Theil and 11 other people stating that there were 5
22 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are
23 informed that the text states: "Things could get ugly. We all need to surf."
24 These incidents are described in the declarations filed with Plaintiffs' motion
25 for class certification.

26 Chris Claypool: he and his brother Ken and Jordan Wright attempted
27 to surf Lunada Bay in January 2015. There were about five locals in the
28

1 water, including Blakeman who paddled over and was yelling, "Try and catch
2 a wave and see what happens. There is no fucking way you are getting a
3 wave. Just go in. Just go. You better not cut me off." Blakeman looked
4 possessed or possibly on drugs. His behavior got more bizarre throughout
5 the morning. He seemed to be paddling for every wave that he could
6 physically push himself into, perhaps to make a point, but he was wiping out
7 a lot and falling down the face and tumbling across the rock reef. Blakeman
8 looked dangerous to himself. When Blakeman would actually catch a wave
9 in, he would paddle back to where Claypool and his brother were sitting, and
10 continue his insane rant. On one occasion, Blakeman came less than 12
11 inches from Claypool's ear and was screaming. It was so loud, Claypool had
12 to put his fingers in his ear to protect them from being damaged. Claypool is
13 a sound engineer and to put this in perspective, a rock concert creates about
14 120 decibels of noise - this was louder; a jet engine creates about 150
15 decibels. At one point Blakeman caught a wave and drew a line aiming right
16 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
17 as he narrowly missed Claypool's head. Claypool watched as Blakeman
18 intentionally dropped in on Jordan at least twice. It seemed obvious to
19 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
20 them were having fun. Because of the danger, they decided to leave.

21 When Claypool and his brother got out of water, they saw people
22 gathering on top of the cliff. One person was videotaping them from the top
23 of the cliff; it was clear to Claypool that he was doing this to try and
24 intimidate them. The people were watching them from the cliff. It was
25 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
26 obstruct his free passage and use in the customary manner of a public
27 space. It also seemed clear that Blakeman engaged in a concerted effort
28

1 with other Bay Boys to try and injure him. These incidents are described in
2 the declarations filed with Plaintiffs' motion for class certification.

3 Jason Gersch: While observing the surf, Gersch was approached by
4 two local Bay Boys named Peter McCollum and Brant Blakeman. These
5 individuals made it known to Gersch that he could not surf there. These
6 incidents are described in the declarations filed with Plaintiffs' motion for
7 class certification.

8 Plaintiffs are informed and believe and on that basis allege that
9 Defendant Blakeman and his attorneys are attempting to intimidate
10 witnesses in this case. On at least two occasions, an investigator hired by
11 Blakeman's attorneys contacted witnesses represented by Plaintiffs'
12 attorneys. The investigator also showed up at the home of a reporter that
13 has not been listed as a witness.

14 The request is premature. Because Blakeman and the other
15 defendants are refusing to comply with their obligations to produce
16 documents under the federal rules and are impermissibly withholding
17 evidence and/or possibly spoliating evidence, we are not able to fully
18 respond to discovery requests which necessarily rely on our ability to fully
19 investigate the facts. As discovery is continuing, Reed reserves the right to
20 update this response.

21 **INTERROGATORY NO. 3:**

22 IDENTIFY ALL PERSONS that have knowledge of any facts that
23 support your contention in paragraph 18 of the Complaint that BRANT
24 BLAKEMAN "sell[s] market[s] and use[s] illegal controlled substances from
25 the Lunada Bay Bluffs and the Rock Fort" and for each such PERSON
26 identified state all facts you contend are within the PERSON's knowledge.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3:

Responding Party objects to this interrogatory as premature. Because this interrogatory seeks or necessarily relies upon a contention, and because this matter is in its early stages and pretrial discovery has only just begun, Responding Party is unable to provide a complete response at this time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention] interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.”).

Responding Party further objects to this interrogatory as unduly burdensome, harassing, and duplicative of information disclosed in Responding Party’s Rule 26(a) disclosures and supplemental disclosures. Propounding Party may look to Responding Party’s Rule 26(a) disclosures and supplemental disclosures for the information sought by this interrogatory. Moreover, Responding Party had the opportunity to depose Ms. Reed on this topic.

Responding Party further objects to this interrogatory as compound. This “interrogatory” contains multiple impermissible subparts, which Propounding Party has propounded to circumvent the numerical limitations on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

Responding Party further objects to this interrogatory on the grounds that it seeks information that is outside of Responding Party’s knowledge.

Responding Party further objects to the extent that this interrogatory invades attorney-client privilege and/or violates the work product doctrine by

1 compelling Responding Party to disclose privileged communications and/or
2 litigation strategy.

3 Subject to and without waiver of the foregoing objections, Responding
4 Party responds as follows:

5 In addition to each defendant named in his individual capacity and
6 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,
7 and the evidence submitted in support of Plaintiffs' motion for class
8 certification, Responding party identifies the following individuals: There is a
9 copy of a Group MMS included in Officer Report for Incident 16-02164. In
10 that report an individual who identifies himself as "the Weasel" makes a
11 statement about Blakeman and meth. The Weasel also states: "Ferrara
12 family is nothing put a bunch of drug addict losers. He's main shaper and
13 good surfer kids are losers and his brothers kids are all losers One of the
14 Ferrara kids [sic] friends beat up a Persian liquor store guy... One time the
15 Ferrara kid talk shit to me one day I said I used to smoke crack with your
16 dad Angelo and dead uncle Sal I have all the dirt from 1979 up. The Weasel
17 then states; "Tell your bros to say even sells weed he lives on 10th Street in
18 San Pedro." Plaintiffs are informed and believe that the word "even" is a typo
19 which is supposed to be Evan and referring to Bay Boy Evan Levy. Plaintiffs
20 are informed and believe and thereon allege that the Weasel might be an
21 individual named Glen Morris. (424) 263-5152.

22 The request is premature. Because Blakeman and the other
23 defendants are refusing to comply with their obligations to produce
24 documents under the federal rules and are impermissibly withholding
25 evidence and/or possibly spoliating evidence, we are not able to fully
26 respond to discovery requests which necessarily rely on our ability to fully
27 investigate the facts. As discovery is continuing, Reed reserves the right to
28

1 update this response.

2 **INTERROGATORY NO. 4:**

3 IDENTIFY ALL PERSONS that have knowledge of any facts that
4 support your contention in paragraph 18 of the Complaint that BRANT
5 BLAKEMAN “impede[d] boat traffic” at any time, and for each such PERSON
6 identified state all facts you contend are within that PERSON’s knowledge.

7 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4:**

8 Responding Party objects to this interrogatory as premature. Because
9 this interrogatory seeks or necessarily relies upon a contention, and
10 because this matter is in its early stages and pretrial discovery has only just
11 begun, Responding Party is unable to provide a complete response at this
12 time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*,
13 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
14 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
15 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
16 interrogatory need not be answered until designated discovery is complete,
17 or until a pretrial conference or some other time.”).

18 Responding Party further objects to this interrogatory as unduly
19 burdensome, harassing, and duplicative of information disclosed in
20 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
21 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
22 and supplemental disclosures for the information sought by this
23 interrogatory. Moreover, Responding Party had the opportunity to depose
24 Ms. Reed on this topic.

25 Responding Party further objects to this interrogatory as compound.
26 This “interrogatory” contains multiple impermissible subparts, which
27 Propounding Party has propounded in an effort to circumvent the numerical
28

1 limitations on interrogatories provided by Federal Rule of Civil Procedure
2 33(a)(1).

3 Responding Party further objects to this interrogatory on the grounds
4 that it seeks information that is outside of Responding Party's knowledge.

5 Responding Party further objects to the extent that this interrogatory
6 invades attorney-client privilege and/or violates the work product doctrine by
7 compelling Responding Party to disclose privileged communications and/or
8 litigation strategy. Responding Party will not provide any such information.

9 Subject to and without waiver of the foregoing objections, Responding
10 Party responds as follows:

11 In addition to each defendant named in his individual capacity and
12 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,
13 and the evidence submitted in support of Plaintiffs' motion for class
14 certification, Responding Party identifies the following individuals: Jordan
15 Wright, Ken Claypool.

16 The request is premature. Because Blakeman and the other
17 defendants are refusing to comply with their obligations to produce
18 documents under the federal rules and are impermissibly withholding
19 evidence and/or possibly spoliating evidence, we are not able to fully
20 respond to discovery requests which necessarily rely on our ability to fully
21 investigate the facts. As discovery is continuing, Reed reserves the right to
22 update this response.

23 **INTERROGATORY NO. 5:**

24 IDENTIFY ALL PERSONS that have knowledge of any facts that
25 support your contention in paragraph 18 of the Complaint that BRANT
26 BLAKEMAN "dangerously disregard[ed] surfing rules" at any time, and for
27 each such PERSON identified state all facts you contend are within that
28

1 PERSON's knowledge.

2 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:**

3 Responding Party objects to this interrogatory as premature. Because
4 this interrogatory seeks or necessarily relies upon a contention, and
5 because this matter is in its early stages and pretrial discovery has only just
6 begun, Responding Party is unable to provide a complete response at this
7 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
8 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
9 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
10 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
11 interrogatory need not be answered until designated discovery is complete,
12 or until a pretrial conference or some other time.").

13 Responding Party further objects to this interrogatory as unduly
14 burdensome, harassing, and duplicative of information disclosed in
15 Responding Party's Rule 26(a) disclosures and supplemental disclosures.
16 Propounding Party may look to Responding Party's Rule 26(a) disclosures
17 and supplemental disclosures for the information sought by this
18 interrogatory. Moreover, Responding Party had the opportunity to depose
19 Ms. Reed on this topic.

20 Responding Party further objects to this interrogatory as compound.
21 This "interrogatory" contains multiple impermissible subparts, which
22 Propounding Party has propounded in an effort to circumvent the numerical
23 limitations on interrogatories provided by Federal Rule of Civil Procedure
24 33(a)(1).

25 Responding Party further objects to this interrogatory on the grounds
26 that it seeks information that is outside of Responding Party's knowledge.
27
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1 Responding Party further objects to the extent that this interrogatory
2 invades attorney-client privilege and/or violates the work product doctrine by
3 compelling Responding Party to disclose privileged communications and/or
4 litigation strategy. Responding Party will not provide any such information.

5 Subject to and without waiver of the foregoing objections, Responding
6 Party responds as follows:

7 In addition to each defendant named in his individual capacity and
8 other persons identified in Plaintiff's Initial and Supplemental Disclosures,
9 and the evidence submitted in support of Plaintiffs' motion for class
10 certification, Responding Party identifies the following individuals:

11 Diana Reed: believes that Blakeman engaged in a concerted effort
12 with other Bay Boys to obstruct the plaintiffs' and the publics' free passage
13 and use in the customary manner of a public space. Reed also believes that
14 Blakeman coordinated with other Bay Boys to harass and assault the
15 plaintiffs and the public when they were visiting Lunada Bay. Reed believes
16 that the conduct directed at the plaintiffs and others trying to surf Lunada
17 Bay is part of an agreement among Blakeman and the other Bay Boys,
18 which at a minimum, may be implied by the conduct of the parties and other
19 members of the Bay Boys. Reed believes that the Bay Boys concerted
20 efforts to stop the public from accessing the beach are documented in text
21 messages and emails some of which have been destroyed or are being
22 withheld by the Defendants in this case. For example, on February 5, 2016,
23 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom
24 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and
25 several others that said "There are 5 kooks standing on the bluff taking
26 pictures...I think that same Taloa guy. Things could get ugly. " A Los
27 Angeles Times photographer captured a pictured of Defendant Blakeman of
28

1 the bluff filming plaintiffs. Plaintiffs are also informed and believe that a
2 Lunada Bay local named Joshua Bernstein was taking pictures at the MLK
3 2014 paddle out. Plaintiffs are also informed and believe that Bernstein told
4 several people after he photographed them, "Now we know who you are."
5 Plaintiffs believe that the conducted directed at Reed by Blakeman and the
6 individual Bay Boys is because she is a woman. Plaintiff is informed and
7 believes that there are numerous text messages where the Bay Boys refer
8 to Reed as a "bitch" and make sexual comments about her.

9 The specific acts directed against Reed include but are not limited to
10 the following:

11 i) Reed went to Lunada Bay on January 29, 2016 with Jordan
12 Wright. Reed had intended to surf at Lunada Bay that day because the
13 conditions were such that she felt comfortable surfing.¹⁰ Immediately after
14 they parked their car along the bluffs, the harassment began. Several men
15 drove by and circled around their car. This was the day that she and Wright
16 were harassed and intimidated by David Melo. Blakeman was recording
17 them on land with his camera. It was very disturbing to Reed and made her
18 feel very uncomfortable. Plaintiffs are informed and believe that this was
19 witnessed by John MacHarg.

20 ii) On or about February 12, 2016, The Los Angeles Times
21 published an article called "Bay Boys surfer gang cannot block access to
22 upscale beach, Coastal Commission says." Jordan Wright and Cory
23 Spencer are quoted in the article. Mr. Wright and a few others had planned
24

25
26 ¹⁰ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 to surf Lunada Bay the following morning. Plaintiffs are informed and believe
2 that Defendants Johnston and Blakeman learned that Jordan Wright and
3 Diana Reed were going to Lunada Bay and planned to be there to harass
4 them. On February 12, 2016, Defendant Alan Johnston sent the following
5 text messages to an unknown recipient: "No fucking way Taloa is back this
6 year" and "If u really wanna be a bay boy we might meet help tomm."

7 iii) On February 13, 2016, Reed returned to Lunada Bay with
8 Jordan Wright to watch him surf and take photographs. Prior to her arrival,
9 she contacted the Palos Verdes Estates Police and requested an escort
10 from the bluffs to the beach. She was concerned about her safety given the
11 January 29, 2016 incident. She was told that the police were unavailable
12 and no officers were present when they arrived. When Reed and Wright
13 reached the beach, they encountered angry locals who were yelling at them.
14 Reed and Wright ignored the harassment and Wright got into the water to
15 surf and Reed made her way to the Rock Fort where she planned to watch
16 Wright and photograph him.

17 Approximately two hours after Reed had arrived at Lunada Bay, while
18 she was standing in the Rock Fort taking photos, Blakeman and defendant
19 Alan Johnston rushed into the fort and ran towards her in a hostile and
20 aggressive manner. It seemed that they had coordinated and orchestrated
21 the attack which completely caught Reed off guard. Blakeman was filming
22 Reed again, and at times, held his camera right in her face. It was
23 intimidating and harassing to Reed, and she feared for her safety.

24 Reed asked Blakeman and Johnston why they were filming her,
25 because it made her uncomfortable. Blakeman responded, "because I feel
26 like it." Johnston responded, "because you're hot. Because you're fucking
27 sexy baby, wooh!" Johnston then opened a can of beer in a purposeful
28

1 way so that it sprayed Reed's arm and her camera. Reed, paralyzed with
2 fear, was unable to leave the Rock Fort as Blakeman and Johnston were
3 standing closest to the exit.

4 iv) Plaintiffs are informed and believe that after the incident
5 Defendant Johnston started calling and/or texting other Lunada Bay locals to
6 check for police to plan a getaway. At around 1:00 pm Brad Travers (Travers
7 Tree Service) texted Johnston: "Don't see any cops at the top." Plaintiffs are
8 informed and believe that later that day Johnston received a text from his
9 mother asking him "What happened at the bay?" Johnston replied "Nothing
10 happened really just couple of trolls they got nothing."

11 Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada
12 Bay. Almost instantly after they arrived at Lunada Bay, they started getting
13 harassed by Bay Boys. They were told that they couldn't surf there, and
14 Spencer was called a "kook," which is a derogatory surfing term. Spencer
15 was also told: "why don't you fucking go home, you fucking kook;" and was
16 asked, "how many other good places did you pass to come here?" These
17 are the same types of statements made by Defendant Sang Lee and others
18 that can be observed on the video published by the Guardian.¹¹ These
19 taunts started while Spencer and Taloa were on the bluffs getting ready to
20 surf. One individual continued to heckle Spencer and Taloa on their way
21 down to the beach and into the water.

22 Blakeman was already in the water and began paddling around
23 Spencer and Taloa in a tight circle – staying just a few feet away from them.
24 There was no legitimate reason for this conduct. Reed believes that this is a

25 _____
26 ¹¹ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
27 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

28 (footnote continued)

1 tactic used by the Bay Boys to harass people.¹² Blakeman impeded
2 Spencer's movement in any direction and was intentionally blocking him
3 from catching any waves. It was clear to Spencer that Blakeman was not
4 there to surf that morning. Instead, his mission was to prevent Spencer and
5 Taloa from surfing and to keep them from enjoying their time in the water,
6 the open space, the waves, and nature. This the type of concerted effort was
7 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
8 people from surfing at Lunada Bay. In the approximately 90 minutes that
9 Spencer was in the water that day, Blakeman was focused on Spencer and
10 Taloa and continued to shadow their movements and sit uncomfortably
11 close to them. Spencer had never experienced anything like that before in
12 his life. It was bizarre but also incredibly frightening and disturbing. It
13 appeared to Spencer that Blakeman was coordinating his actions with a
14 group of guys who were standing in the Rock Fort, along with others in the
15 water. They were all talking to each other and it was clear they all knew
16 each other.

17 At one point while Spencer was in the water and was paddling west
18 out to the ocean, he saw a man surfing, coming in east towards the shore.
19 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
20 of the fins on his surfboard sliced open his right wrist. Spencer has about a
21 half-inch scar from where this man ran him over. As soon as the Bay Boy
22 ran him over, he started berating Spencer, saying things like "what are you
23 fucking doing out here? I told you to go home. I should have run you over.
24 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
25

26
27 ¹² Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: "We just had a kook out in the water
and me and Jack just sat on his ass."

1 was pretending that he didn't see Spencer but it was obvious that he did and
2 intentionally ran him over. With over 30 years of surfing experience, Spencer
3 knew that this collision was intentional on his part. Fearful of being further
4 injured at that point, and not wanting to get into an argument with him,
5 Spencer just paddled away. Spencer and Taloa caught one more wave after
6 that and then decided it was getting too dangerous to surf. More men started
7 showing up at the Rock Fort and Spencer and Taloa were growing
8 increasingly fearful for their safety. Spencer was also bleeding and in pain.
9 These incidents are described in the declarations filed with Plaintiffs' motion
10 for class certification and the deposition of Spencer.

11 Christopher Taloa: As set forth above, Taloa and Spencer went surfing
12 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
13 shadowing Spencer's movement in the water. Blakeman was in the water
14 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
15 toward Taloa, at which point Taloa told him that he was too close.
16 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
17 Taloa kept moving in the water, and Blakeman attempted to keep up with
18 him but was not in good enough shape to do so.

19 Jen Bell: The incident described above was witnessed by a woman
20 named Jen Bell who had gone to Lunada Bay that same day to photograph
21 a guy from Malibu. When she attempted sit down on the beach with her
22 pack, a man said: "You are practically sitting in a men's locker-room. You
23 don't make me feel comfortable." Bell continued to sit there for another 10
24 minutes because she refused to be intimidated but eventually decided to head
25 over to the fort because she saw another woman, Diana Reed, was taking
26 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It
27 was obvious from the start that Johnston and Blakeman were there with the
28

1 intent to harass Reed. Johnston was making rude comments to both her and
2 Reed. Blakeman was putting the GoPro in their faces. Johnston was
3 chugging multiple beers and it was early in the morning. Johnston asked her
4 to help him with his wetsuit. He said "Can you help me with this?" and
5 handed her the leg of his wetsuit. Johnston made moaning sounds when
6 she took it like he was having an orgasm.

7 Jordan Wright: Wright attempted to surf Lunada Bay in January 2015
8 with Chris Claypool and Kenneth Claypool. He observed Blakeman
9 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
10 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
11 foot-high wave and was up riding for several seconds. Alan Johnston
12 paddled the wrong way on this wave, dropped in on him going the wrong
13 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
14 while going the wrong way violates normal surf etiquette. Johnston then
15 collided with Wright, and their leashes got tangled. After they surfaced from
16 the collision, Johnston then got close to Wright and yelled, "You had to
17 fucking take that wave, didn't you!" The next wave that came through then
18 broke Wright's leash plug and the board was carried into the rocks, which
19 destroyed a new surfboard. Wright had to swim in over rocks to get his
20 board and cut his hands on the rocks doing so. Wright is confident that
21 Johnston attempted to purposefully injure him. What he did was extremely
22 dangerous.

23 Wright has observed Blakeman on many occasions. Blakeman is easy
24 to identify because he rides a kneeboard and he is regularly filming visitors
25 on land with a camcorder. Wright believes his filming is an effort to intimidate
26 visitors. In the water, Wright has observed what appears to be Blakeman
27 directing other Bay Boys to sit close to visiting surfers. Wright has observed
28

1 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
2 the visitors, impede their movements, block their surfing, kick at them,
3 splash water at them, and dangerously drop in on them. In addition to
4 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
5 Charlie Ferrara, and David Melo engage in this activity. These incidents are
6 described in the declarations filed with Plaintiffs' motion for class
7 certification.

8 Ken Claypool: has been harassed and filmed by Blakeman in an
9 attempt to intimidate him at Lunada Bay on multiple occasions. In January
10 2015, Claypool and his brother Chris Claypool along with Jordan Wright
11 went to surf Lunada Bay. There were about five Lunada Bay locals in the
12 water, including Blakeman who paddled over and threatened them. Claypool
13 observed Blakeman intentionally drop in on Wright at least twice.

14 On February 5, 2016, Claypool went to Lunada Bay with Chris Taloa
15 and Jordan Wright. There was a photographer from the Los Angeles Times
16 that was there. Also in attendance was Cory Spencer and Diana Reed.
17 Spencer was there to watch the cars. Blakeman was there filming in an
18 effort to intimidate visitors. Blakeman can be seen in one of the pictures
19 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
20 are informed and believe that there was a text message sent that day to
21 Papayans, Michael Theil and 11 other people stating that there were 5
22 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are
23 informed that the text states: "Things could get ugly." These incidents are
24 described in the declarations filed with Plaintiffs' motion for class
25 certification.

26 Chris Claypool: he and his brother Ken and Jordan Wright attempted
27 to surf Lunada Bay in January 2015. There were about five locals in the
28

1 water, including Blakeman who paddled over and was yelling, "Try and catch
2 a wave and see what happens. There is no fucking way you are getting a
3 wave. Just go in. Just go. You better not cut me off." Blakeman looked
4 possessed or possibly on drugs. His behavior got more bizarre throughout
5 the morning. He seemed to be paddling for every wave that he could
6 physically push himself into, perhaps to make a point, but he was wiping out
7 a lot and falling down the face and tumbling across the rock reef. Blakeman
8 looked dangerous to himself. When Blakeman would actually catch a wave
9 in, he would paddle back to where Claypool and his brother were sitting, and
10 continue his insane rant. On one occasion, Blakeman came less than 12
11 inches from Claypool's ear and was screaming. It was so loud, Claypool had
12 to put his fingers in his ear to protect them from being damaged. Claypool is
13 a sound engineer and to put this in perspective, a rock concert creates about
14 120 decibels of noise - this was louder; a jet engine creates about 150
15 decibels. At one point Blakeman caught a wave and drew a line aiming right
16 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
17 as he narrowly missed Claypool's head. Claypool watched as Blakeman
18 intentionally dropped in on Jordan at least twice. It seemed obvious to
19 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
20 them were having fun. Because of the danger, they decided to leave.

21 When Claypool and his brother got out of water, they saw people
22 gathering on top of the cliff. One person was videotaping them from the top
23 of the cliff; it was clear to Claypool that he was doing this to try and
24 intimidate them. The people were watching them from the cliff. It was
25 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
26 obstruct his free passage and use in the customary manner of a public
27 space. It also seemed clear that Blakeman engaged in a concerted effort
28

1 with other Bay Boys to try and injure him. These incidents are described in
2 the declarations filed with Plaintiffs' motion for class certification.

3 Plaintiffs are informed and believe and on that basis allege that
4 Defendant Blakeman and his attorneys are attempting to intimidate
5 witnesses in this case. On at least two occasions, an investigator hired by
6 Blakeman's attorneys contacted witnesses represented by Plaintiffs'
7 attorneys. The investigator also showed up at the home of a reporter that
8 has not been listed as a witness.

9 The request is premature. Because Blakeman and the other
10 defendants are refusing to comply with their obligations to produce
11 documents under the federal rules and are impermissibly withholding
12 evidence and/or possibly spoliating evidence, we are not able to fully
13 respond to discovery requests which necessarily rely on our ability to fully
14 investigate the facts. As discovery is continuing, Reed reserves the right to
15 update this response.

16 **INTERROGATORY NO. 6:**

17 IDENTIFY ALL PERSONS that have knowledge of any facts that
18 support your contention that BRANT BLAKEMAN has illegally extorted
19 money from beachgoers who wish to use Lunada Bay for recreational
20 purposes (See paragraph 33j. of the Complaint), and for each such
21 PERSON identified state all facts you contend are within that PERSON's
22 knowledge.

23 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:**

24 Responding Party objects to this interrogatory as premature. Because
25 this interrogatory seeks or necessarily relies upon a contention, and
26 because this matter is in its early stages and pretrial discovery has only just
27 begun, Responding Party is unable to provide a complete response at this
28

1 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
2 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
3 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
4 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
5 interrogatory need not be answered until designated discovery is complete,
6 or until a pretrial conference or some other time.”).

7 Responding Party further objects to this interrogatory as unduly
8 burdensome, harassing, and duplicative of information disclosed in
9 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
10 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
11 and supplemental disclosures for the information sought by this
12 interrogatory. Moreover, Responding Party had the opportunity to depose
13 Ms. Reed on this topic.

14 Responding Party further objects to this interrogatory as compound.
15 This “interrogatory” contains multiple impermissible subparts, which
16 Propounding Party has propounded in an effort to circumvent the numerical
17 limitations on interrogatories provided by Federal Rule of Civil Procedure
18 33(a)(1).

19 Responding Party further objects to this interrogatory on the grounds
20 that it seeks information that is outside of Responding Party’s knowledge.

21 Responding Party further objects to the extent that this interrogatory
22 invades attorney-client privilege and/or violates the work product doctrine by
23 compelling Responding Party to disclose privileged communications and/or
24 litigation strategy. Responding Party will not provide any such information.

25 The request is premature. Because Blakeman and the other
26 defendants are refusing to comply with their obligations to produce
27 documents under the federal rules and are impermissibly withholding
28

evidence and/or possibly spoliating evidence, we are not able to fully respond to discovery requests which necessarily rely on our ability to fully investigate the facts. As discovery is continuing, Reed reserves the right to update this response.

INTERROGATORY NO. 7:

IDENTIFY ALL PERSONS that have knowledge of any facts that support your contention that BRANT BLAKEMAN was a part of a Civil Conspiracy as identified in your complaint in paragraphs 51 through 53, and for each such PERSON identified state all facts you contend are within that PERSON's knowledge.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7:

Responding Party objects to this interrogatory as premature. Because this interrogatory seeks or necessarily relies upon a contention, and because this matter is in its early stages and pretrial discovery has only just begun, Responding Party is unable to provide a complete response at this time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention] interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.").

Responding Party further objects to this interrogatory as unduly burdensome, harassing, and duplicative of information disclosed in Responding Party's Rule 26(a) disclosures and supplemental disclosures. Propounding Party may look to Responding Party's Rule 26(a) disclosures and supplemental disclosures for the information sought by this

1 interrogatory. Moreover, Responding Party had the opportunity to depose
2 Ms. Reed on this topic.

3 Responding Party further objects to this interrogatory as compound.
4 This "interrogatory" contains multiple impermissible subparts, which
5 Propounding Party has propounded to circumvent the numerical limitations
6 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

7 Responding Party further objects to this interrogatory on the grounds
8 that it seeks information that is outside of Responding Party's knowledge.

9 Responding Party further objects to the extent that this interrogatory
10 invades attorney-client privilege and/or violates the work product doctrine by
11 compelling Responding Party to disclose privileged communications and/or
12 litigation strategy.

13 Subject to and without waiver of the foregoing objections, Responding
14 Party responds as follows:

15 In addition to each defendant named in his individual capacity and
16 other persons identified in Plaintiffs' initial and Supplemental Disclosures,
17 and the evidence submitted in support of Plaintiffs motion for class
18 certification, Responding Party identifies the following individuals:

19 Diana Reed: believes that Blakeman engaged in a concerted effort
20 with other Bay Boys to obstruct the plaintiffs' and the publics' free passage
21 and use in the customary manner of a public space. Reed also believes that
22 Blakeman coordinated with other Bay Boys to harass and assault the
23 plaintiffs and the public when they were visiting Lunada Bay. Reed believes
24 that the conduct directed at the plaintiffs and others trying to surf Lunada
25 Bay is part of an agreement among Blakeman and the other Bay Boys,
26 which at a minimum, may be implied by the conduct of the parties and other
27 members of the Bay Boys. Reed believes that the Bay Boys concerted
28

1 efforts to stop the public from accessing the beach are documented in text
2 messages and emails some of which have been destroyed or are being
3 withheld by the Defendants in this case. For example, on February 5, 2016,
4 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom
5 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and
6 several others that said "There are 5 kooks standing on the bluff taking
7 pictures...I think that same Taloa guy. Things could get ugly. " A Los
8 Angeles Times photographer captured a pictured of Defendant Blakeman of
9 the bluff filming plaintiffs. Plaintiffs believe that the Bay Boys take photos
10 and/or video tape people as a form of harassment and intimidation. For
11 example, plaintiffs are also informed and believe that a Lunada Bay local
12 named Joshua Berstein was taking pictures at the MLK 2014 paddle out.
13 Plaintiffs are also informed and believe that Berstein told several people
14 after he photographed them, "Now we know who you are." Plaintiffs believe
15 that the conducted directed at Reed by Blakeman and the individual Bay
16 Boys is because she is a woman. Plaintiff is informed and believes that there
17 are numerous text messages where the Bay Boys refer to Reed as a "bitch"
18 and make sexual comments about her.

19 The specific acts directed against Reed include but are not limited to
20 the following:

21 i) Reed went to Lunada Bay on January 29, 2016 with Jordan
22 Wright. Reed had intended to surf at Lunada Bay that day because the
23 conditions were such that she felt comfortable surfing.¹³ Immediately after
24

25 _____
26 ¹³ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 they parked their car along the bluffs, the harassment began. Several men
2 drove by and circled around their car. This was the day that she and Wright
3 were harassed and intimidated by David Melo. Blakeman was recording
4 them on land with his camera. It was very disturbing to Reed and made her
5 feel very uncomfortable. Plaintiffs are informed and believe that this was
6 witnessed by John MacHarg.

7 ii) On or about February 12, 2016, The Los Angeles Times
8 published an article called "Bay Boys surfer gang cannot block access to
9 upscale beach, Coastal Commission says." Jordan Wright and Cory
10 Spencer are quoted in the article. Mr. Wright and a few others had planned
11 to surf Lunada Bay the following morning. Plaintiffs are informed and believe
12 that Defendants Johnston and Blakeman learned that Jordan Wright and
13 Diana Reed were going to Lunada Bay and planned to be there to harass
14 them. On February 12, 2016, Defendant Alan Johnston sent the following
15 text messages to an unknown recipient: "No fucking way Taloa is back this
16 year" and "If u really wanna be a bay boy we might meet help tomm."

17 iii) On February 13, 2016, Reed returned to Lunada Bay with
18 Jordan Wright to watch him surf and take photographs. Prior to her arrival,
19 she contacted the Palos Verdes Estates Police and requested an escort
20 from the bluffs to the beach. She was concerned about her safety given the
21 January 29, 2016 incident. She was told that the police were unavailable
22 and no officers were present when they arrived. When Reed and Wright
23 reached the beach, they encountered angry locals who were yelling at them.
24 Reed and Wright ignored the harassment and Wright got into the water to
25 surf and Reed made her way to the Rock Fort where she planned to watch
26 Wright and photograph him.

1 Approximately two hours after Reed had arrived at Lunada Bay, while
2 she was standing in the Rock Fort taking photos, Blakeman and defendant
3 Alan Johnston rushed into the fort and ran towards her in a hostile and
4 aggressive manner. It seemed that they had coordinated and orchestrated
5 the attack which completely caught Reed off guard. Blakeman was filming
6 Reed again, and at times, held his camera right in her face. It was
7 intimidating and harassing to Reed, and she feared for her safety.

8 Reed asked Blakeman and Johnston why they were filming her,
9 because it made her uncomfortable. Blakeman responded, "because I feel
10 like it." Johnston responded, "because you're hot. Because you're fucking
11 sexy baby, wooh!" Johnston then opened a can of beer in a purposeful
12 way so that it sprayed Reed's arm and her camera. Reed, paralyzed with
13 fear, was unable to leave the Rock Fort as Blakeman and Johnston were
14 standing closest to the exit.

15 iii) Plaintiffs are informed and believe that after the incident
16 Defendant Johnston started calling and/or texting other Lunada Bay locals to
17 check for police to plan a getaway. At around 1:00 pm Brad Travers (Travers
18 Tree Service) texted Johnston: "Don't see any cops at the top." Plaintiffs are
19 informed and believe that later that day Johnston received a text from his
20 mother asking him "What happened at the bay?" Johnston replied "Nothing
21 happened really just couple of trolls they got nothing."

22 Reed further identifies the following individuals as having knowledge of
23 concerted efforts by the Bay Boys, including Blakeman:

24 Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada
25 Bay. Almost instantly after they arrived at Lunada Bay, they started getting
26 harassed by Bay Boys. They were told that they couldn't surf there, and
27 Spencer was called a "kook," which is a derogatory surfing term. Spencer
28

1 was also told: "why don't you fucking go home, you fucking kook;" and was
2 asked, "how many other good places did you pass to come here?" These
3 are the same types of statements made by Defendant Sang Lee and others
4 that can be observed on the video published by the Guardian.¹⁴ These
5 taunts started while Spencer and Taloa were on the bluffs getting ready to
6 surf. One individual continued to heckle Spencer and Taloa on their way
7 down to the beach and into the water.

8 Blakeman was already in the water and began paddling around
9 Spencer and Taloa in a tight circle – staying just a few feet away from them.
10 There was no legitimate reason for this conduct. Reed believes that this is a
11 tactic used by the Bay Boys to harass people.¹⁵ Blakeman impeded
12 Spencer's movement in any direction and was intentionally blocking him
13 from catching any waves. It was clear to Spencer that Blakeman was not
14 there to surf that morning. Instead, his mission was to prevent Spencer and
15 Taloa from surfing and to keep them from enjoying their time in the water,
16 the open space, the waves, and nature. This the type of concerted effort was
17 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
18 people from surfing at Lunada Bay. In the approximately 90 minutes that
19 Spencer was in the water that day, Blakeman was focused on Spencer and
20 Taloa and continued to shadow their movements and sit uncomfortably
21 close to them. Spencer had never experienced anything like that before in
22 his life. It was bizarre but also incredibly frightening and disturbing. It
23

24
25 ¹⁴ <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

26 ¹⁵ Plaintiffs are informed and believe that Defendant Papayans sent a text
27 message describing similar conduct: "We just had a kook out in the water
28 and me and Jack just sat on his ass."

1 appeared to Spencer that Blakeman was coordinating his actions with a
2 group of guys who were standing in the Rock Fort, along with others in the
3 water. They were all talking to each other and it was clear they all knew
4 each other.

5 At one point while Spencer was in the water and was paddling west
6 out to the ocean, he saw a man surfing, coming in east towards the shore.
7 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
8 of the fins on his surfboard sliced open his right wrist. Spencer has about a
9 half-inch scar from where this man ran him over. As soon as the Bay Boy
10 ran him over, he started berating Spencer, saying things like "what are you
11 fucking doing out here? I told you to go home. I should have run you over.
12 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
13 was pretending that he didn't see Spencer but it was obvious that he did and
14 intentionally ran him over. With over 30 years of surfing experience, Spencer
15 knew that this collision was intentional on his part. Fearful of being further
16 injured at that point, and not wanting to get into an argument with him,
17 Spencer just paddled away. Spencer and Taloa caught one more wave after
18 that and then decided it was getting too dangerous to surf. More men started
19 showing up at the Rock Fort and Spencer and Taloa were growing
20 increasingly fearful for their safety. Spencer was also bleeding and in pain.
21 These incidents are described in the declarations filed with Plaintiffs' motion
22 for class certification and the deposition of Spencer.

23 Christopher Taloa: As set forth above, Taloa and Spencer went surfing
24 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
25 shadowing Spencer's movement in the water. Blakeman was in the water
26 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
27 toward Taloa, at which point Taloa told him that he was too close.

28

1 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
2 Taloa kept moving in the water, and Blakeman attempted to keep up with
3 him but was not in good enough shape to do so.

4 Jen Bell: The incident described above was witnessed by a woman
5 named Jen Bell who had gone to Lunada Bay that same day to photograph
6 a guy from Malibu. When she attempted sit down on the beach with her
7 pack, a man said: "You are practically sitting in a men's locker-room. You
8 don't make me feel comfortable." Bell continued to sit there for another 10
9 minutes because she refused to be intimidated but eventually decided to head
10 over to the fort because she saw another woman, Diana Reed, was taking
11 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It
12 was obvious from the start that Johnston and Blakeman were there with the
13 intent to harass Reed. Johnston was making rude comments to both her and
14 Reed. Blakeman was putting the GoPro in their faces. Johnston was
15 chugging multiple beers and it was early in the morning. Johnston asked her
16 to help him with his wetsuit. He said "Can you help me with this?" and
17 handed her the leg of his wetsuit. Johnston made moaning sounds when
18 she took it like he was having an orgasm.

19 Jordan Wright: Wright attempted to surf Lunada Bay in January 2015
20 with Chris Claypool and Kenneth Claypool. He observed Blakeman
21 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
22 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
23 foot-high wave and was up riding for several seconds. Alan Johnston
24 paddled the wrong way on this wave, dropped in on him going the wrong
25 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
26 while going the wrong way violates normal surf etiquette. Johnston then
27 collided with Wright, and their leashes got tangled. After they surfaced from
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1 the collision, Johnston then got close to Wright and yelled, "You had to
2 fucking take that wave, didn't you!" The next wave that came through then
3 broke Wright's leash plug and the board was carried into the rocks, which
4 destroyed a new surfboard. Wright had to swim in over rocks to get his
5 board and cut his hands on the rocks doing so. Wright is confident that
6 Johnston attempted to purposefully injure him. What he did was extremely
7 dangerous.

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9 to identify because he rides a kneeboard and he is regularly filming visitors
10 on land with a camcorder. Wright believes his filming is an effort to intimidate
11 visitors. In the water, Wright has observed what appears to be Blakeman
12 directing other Bay Boys to sit close to visiting surfers. Wright has observed
13 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
14 the visitors, impede their movements, block their surfing, kick at them,
15 splash water at them, and dangerously drop in on them. In addition to
16 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
17 Charlie Ferrara, and David Melo engage in this activity. These incidents are
18 described in the declarations filed with Plaintiffs' motion for class
19 certification.

20 Ken Claypool: has been harassed and filmed by Blakeman in an
21 attempt to intimidate him at Lunada Bay on multiple occasions. In January
22 2015, Claypool and his brother Chris Claypool along with Jordan Wright
23 went to surf Lunada Bay. There were about five Lunada Bay locals in the
24 water, including Blakeman who paddled over and threatened them. Claypool
25 observed Blakeman intentionally drop in on Wright at least twice.

26 On February 5, 2016, Claypool went to Lunada Bay with Chris Taloa
27 and Jordan Wright. There was a photographer from the Los Angeles Times
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1 that was there. Also in attendance was Cory Spencer and Diana Reed.
2 Spencer was there to watch the cars. Blakeman was there filming in an
3 effort to intimidate visitors. Blakeman can be seen in one of the pictures
4 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
5 are informed and believe that there was a text message sent that day to
6 Papayans, Michael Theil and 11 other people stating that there were 5
7 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are
8 informed that the text states: "Things could get ugly. We all need to surf."
9 These incidents are described in the declarations filed with Plaintiffs' motion
10 for class certification.

11 Chris Claypool: he and his brother Ken and Jordan Wright attempted
12 to surf Lunada Bay in January 2015. There were about five locals in the
13 water, including Blakeman who paddled over and was yelling, "Try and catch
14 a wave and see what happens. There is no fucking way you are getting a
15 wave. Just go in. Just go. You better not cut me off." Blakeman looked
16 possessed or possibly on drugs. His behavior got more bizarre throughout
17 the morning. He seemed to be paddling for every wave that he could
18 physically push himself into, perhaps to make a point, but he was wiping out
19 a lot and falling down the face and tumbling across the rock reef. Blakeman
20 looked dangerous to himself. When Blakeman would actually catch a wave
21 in, he would paddle back to where Claypool and his brother were sitting, and
22 continue his insane rant. On one occasion, Blakeman came less than 12
23 inches from Claypool's ear and was screaming. It was so loud, Claypool had
24 to put his fingers in his ear to protect them from being damaged. Claypool is
25 a sound engineer and to put this in perspective, a rock concert creates about
26 120 decibels of noise - this was louder; a jet engine creates about 150
27 decibels. At one point Blakeman caught a wave and drew a line aiming right
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1 at Claypool. Another Bay Boy tried the same thing and said “mother fucker”
2 as he narrowly missed Claypool’s head. Claypool watched as Blakeman
3 intentionally dropped in on Jordan at least twice. It seemed obvious to
4 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
5 them were having fun. Because of the danger, they decided to leave.

6 When Claypool and his brother got out of water, they saw people
7 gathering on top of the cliff. One person was videotaping them from the top
8 of the cliff; it was clear to Claypool that he was doing this to try and
9 intimidate them. The people were watching them from the cliff. It was
10 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
11 obstruct his free passage and use in the customary manner of a public
12 space. It also seemed clear that Blakeman engaged in a concerted effort
13 with other Bay Boys to try and injure him. These incidents are described in
14 the declarations filed with Plaintiffs’ motion for class certification.

15 Jason Gersch: While observing the surf, Gersch was approached by
16 two local Bay Boys named Peter McCollum and Brant Blakeman. These
17 individuals made it known to Gersch that he could not surf there. These
18 incidents are described in the declarations filed with Plaintiffs’ motion for
19 class certification.

20 Plaintiffs are informed and believe and on that basis allege that
21 Defendant Blakeman and his attorneys are attempting to intimidate
22 witnesses in this case. On at least two occasions, an investigator hired by
23 Blakeman’s attorneys contacted witnesses represented by Plaintiffs’
24 attorneys. The investigator also showed up at the home of a reporter that
25 has not been listed as a witness.

26 The request is premature. Because Blakeman and the other
27 defendants are refusing to comply with their obligations to produce
28

documents under the federal rules and are impermissibly withholding evidence and/or possibly spoliating evidence, we are not able to fully respond to discovery requests which necessarily rely on our ability to fully investigate the facts. As discovery is continuing, Reed reserves the right to update this response.

INTERROGATORY NO. 8:

IDENTIFY ALL PERSONS that have knowledge of any facts that support plaintiffs' First Cause of Action in the Complaint (Bane Act Violations) against BRANT BLAKEMAN, and for each such PERSON identified state all facts you contend are within that PERSON's knowledge.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8:

Responding Party objects to this interrogatory as premature. Because this interrogatory seeks or necessarily relies upon a contention, and because this matter is in its early stages and pretrial discovery has only just begun, Responding Party is unable to provide a complete response at this time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention] interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.").

Responding Party further objects to this interrogatory as unduly burdensome, harassing, and duplicative of information disclosed in Responding Party's Rule 26(a) disclosures and supplemental disclosures. Propounding Party may look to Responding Party's Rule 26(a) disclosures and supplemental disclosures for the information sought by this

1 interrogatory. Moreover, Responding Party had the opportunity to depose
2 Ms. Reed on this topic.

3 Responding Party further objects to this interrogatory as compound.
4 This "interrogatory" contains multiple impermissible subparts, which
5 Propounding Party has propounded to circumvent the numerical limitations
6 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

7 Responding Party further objects to this interrogatory on the grounds
8 that it seeks information that is outside of Responding Party's knowledge.

9 Responding Party further objects to the extent that this interrogatory
10 invades attorney-client privilege and/or violates the work product doctrine by
11 compelling Responding Party to disclose privileged communications and/or
12 litigation strategy.

13 Subject to and without waiver of the foregoing objections, Responding
14 Party responds as follows:

15 In addition to each defendant named in his individual capacity and
16 other persons identified in Plaintiffs' initial and Supplemental Disclosures,
17 and the evidence submitted in support of Plaintiffs motion for class
18 certification, Responding Party identifies the following individuals:

19 Diana Reed: believes that Blakeman engaged in a concerted effort
20 with other Bay Boys to obstruct the plaintiffs' and the publics' free passage
21 and use in the customary manner of a public space. Reed also believes that
22 Blakeman coordinated with other Bay Boys to harass and assault the
23 plaintiffs and the public when they were visiting Lunada Bay. Reed believes
24 that the conduct directed at the plaintiffs and others trying to surf Lunada
25 Bay is part of an agreement among Blakeman and the other Bay Boys,
26 which at a minimum, may be implied by the conduct of the parties and other
27 members of the Bay Boys. Reed believes that the Bay Boys concerted
28

1 efforts to stop the public from accessing the beach are documented in text
2 messages and emails some of which have been destroyed or are being
3 withheld by the Defendants in this case. For example, on February 5, 2016,
4 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom
5 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and
6 several others that said "There are 5 kooks standing on the bluff taking
7 pictures...I think that same Taloa guy. Things could get ugly. " A Los
8 Angeles Times photographer captured a pictured of Defendant Blakeman of
9 the bluff filming plaintiffs. Plaintiffs believe that the Bay Boys take photos
10 and/or video tape people as a form of harassment and intimidation. For
11 example, plaintiffs are also informed and believe that a Lunada Bay local
12 named Joshua Berstein was taking pictures at the MLK 2014 paddle out.
13 Plaintiffs are also informed and believe that Berstein told several people
14 after he photographed them, "Now we know who you are." Plaintiffs believe
15 that the conducted directed at Reed by Blakeman and the individual Bay
16 Boys is because she is a woman. Plaintiff is informed and believes that there
17 are numerous text messages where the Bay Boys refer to Reed as a "bitch"
18 and make sexual comments about her.

19 The specific acts directed against Reed include but are not limited to
20 the following:

21 i) Reed went to Lunada Bay on January 29, 2016 with Jordan
22 Wright. Reed had intended to surf at Lunada Bay that day because the
23 conditions were such that she felt comfortable surfing.¹⁶ Immediately after
24

25 _____
26 ¹⁶ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 they parked their car along the bluffs, the harassment began. Several men
2 drove by and circled around their car. This was the day that she and Wright
3 were harassed and intimidated by David Melo. Blakeman was recording
4 them on land with his camera. It was very disturbing to Reed and made her
5 feel very uncomfortable. Plaintiffs are informed and believe that this was
6 witnessed by John MacHarg.

7 ii) On or about February 12, 2016, The Los Angeles Times
8 published an article called "Bay Boys surfer gang cannot block access to
9 upscale beach, Coastal Commission says." Jordan Wright and Cory
10 Spencer are quoted in the article. Mr. Wright and a few others had planned
11 to surf Lunada Bay the following morning. Plaintiffs are informed and believe
12 that Defendants Johnston and Blakeman learned that Jordan Wright and
13 Diana Reed were going to Lunada Bay and planned to be there to harass
14 them. On February 12, 2016, Defendant Alan Johnston sent the following
15 text messages to an unknown recipient: "No fucking way Taloa is back this
16 year" and "If u really wanna be a bay boy we might meet help tomm."

17 iii) On February 13, 2016, Reed returned to Lunada Bay with
18 Jordan Wright to watch him surf and take photographs. Prior to her arrival,
19 she contacted the Palos Verdes Estates Police and requested an escort
20 from the bluffs to the beach. She was concerned about her safety given the
21 January 29, 2016 incident. She was told that the police were unavailable
22 and no officers were present when they arrived. When Reed and Wright
23 reached the beach, they encountered angry locals who were yelling at them.
24 Reed and Wright ignored the harassment and Wright got into the water to
25 surf and Reed made her way to the Rock Fort where she planned to watch
26 Wright and photograph him.

1 Approximately two hours after Reed had arrived at Lunada Bay, while
2 she was standing in the Rock Fort taking photos, Blakeman and defendant
3 Alan Johnston rushed into the fort and ran towards her in a hostile and
4 aggressive manner. It seemed that they had coordinated and orchestrated
5 the attack which completely caught Reed off guard. Blakeman was filming
6 Reed again, and at times, held his camera right in her face. It was
7 intimidating and harassing to Reed, and she feared for her safety.

8 Reed asked Blakeman and Johnston why they were filming her,
9 because it made her uncomfortable. Blakeman responded, "because I feel
10 like it." Johnston responded, "because you're hot. Because you're fucking
11 sexy baby, wooh!" Johnston then opened a can of beer in a purposeful
12 way so that it sprayed Reed's arm and her camera. Reed, paralyzed with
13 fear, was unable to leave the Rock Fort as Blakeman and Johnston were
14 standing closest to the exit.

15 iii) Plaintiffs are informed and believe that after the incident
16 Defendant Johnston started calling and/or texting other Lunada Bay locals to
17 check for police to plan a getaway. At around 1:00 pm Brad Travers (Travers
18 Tree Service) texted Johnston: "Don't see any cops at the top." Plaintiffs are
19 informed and believe that later that day Johnston received a text from his
20 mother asking him "What happened at the bay?" Johnston replied "Nothing
21 happened really just couple of trolls they got nothing."

22 Reed further identifies the following individuals as having knowledge of
23 concerted efforts by the Bay Boys, including Blakeman:

24 Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada
25 Bay. Almost instantly after they arrived at Lunada Bay, they started getting
26 harassed by Bay Boys. They were told that they couldn't surf there, and
27 Spencer was called a "kook," which is a derogatory surfing term. Spencer
28

1 was also told: "why don't you fucking go home, you fucking kook;" and was
2 asked, "how many other good places did you pass to come here?" These
3 are the same types of statements made by Defendant Sang Lee and others
4 that can be observed on the video published by the Guardian.¹⁷ These
5 taunts started while Spencer and Taloa were on the bluffs getting ready to
6 surf. One individual continued to heckle Spencer and Taloa on their way
7 down to the beach and into the water.

8 Blakeman was already in the water and began paddling around
9 Spencer and Taloa in a tight circle – staying just a few feet away from them.
10 There was no legitimate reason for this conduct. Reed believes that this is a
11 tactic used by the Bay Boys to harass people.¹⁸ Blakeman impeded
12 Spencer's movement in any direction and was intentionally blocking him
13 from catching any waves. It was clear to Spencer that Blakeman was not
14 there to surf that morning. Instead, his mission was to prevent Spencer and
15 Taloa from surfing and to keep them from enjoying their time in the water,
16 the open space, the waves, and nature. This the type of concerted effort was
17 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
18 people from surfing at Lunada Bay. In the approximately 90 minutes that
19 Spencer was in the water that day, Blakeman was focused on Spencer and
20 Taloa and continued to shadow their movements and sit uncomfortably
21 close to them. Spencer had never experienced anything like that before in
22 his life. It was bizarre but also incredibly frightening and disturbing. It
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24
25 ¹⁷ <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

26 ¹⁸ Plaintiffs are informed and believe that Defendant Papayans sent a text
27 message describing similar conduct: "We just had a kook out in the water
28 and me and Jack just sat on his ass."

1 appeared to Spencer that Blakeman was coordinating his actions with a
2 group of guys who were standing in the Rock Fort, along with others in the
3 water. They were all talking to each other and it was clear they all knew
4 each other.

5 At one point while Spencer was in the water and was paddling west
6 out to the ocean, he saw a man surfing, coming in east towards the shore.
7 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
8 of the fins on his surfboard sliced open his right wrist. Spencer has about a
9 half-inch scar from where this man ran him over. As soon as the Bay Boy
10 ran him over, he started berating Spencer, saying things like "what are you
11 fucking doing out here? I told you to go home. I should have run you over.
12 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
13 was pretending that he didn't see Spencer but it was obvious that he did and
14 intentionally ran him over. With over 30 years of surfing experience, Spencer
15 knew that this collision was intentional on his part. Fearful of being further
16 injured at that point, and not wanting to get into an argument with him,
17 Spencer just paddled away. Spencer and Taloa caught one more wave after
18 that and then decided it was getting too dangerous to surf. More men started
19 showing up at the Rock Fort and Spencer and Taloa were growing
20 increasingly fearful for their safety. Spencer was also bleeding and in pain.
21 These incidents are described in the declarations filed with Plaintiffs' motion
22 for class certification and the deposition of Spencer.

23 Christopher Taloa: As set forth above, Taloa and Spencer went surfing
24 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
25 shadowing Spencer's movement in the water. Blakeman was in the water
26 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
27 toward Taloa, at which point Taloa told him that he was too close.

28

1 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
2 Taloa kept moving in the water, and Blakeman attempted to keep up with
3 him but was not in good enough shape to do so.

4 Jen Bell: The incident described above was witnessed by a woman
5 named Jen Bell who had gone to Lunada Bay that same day to photograph
6 a guy from Malibu. When she attempted sit down on the beach with her
7 pack, a man said: "You are practically sitting in a men's locker-room. You
8 don't make me feel comfortable." Bell continued to sit there for another 10
9 minutes because she refused to be intimidated but eventually decided to head
10 over to the fort because she saw another woman, Diana Reed, was taking
11 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It
12 was obvious from the start that Johnston and Blakeman were there with the
13 intent to harass Reed. Johnston was making rude comments to both her and
14 Reed. Blakeman was putting the GoPro in their faces. Johnston was
15 chugging multiple beers and it was early in the morning. Johnston asked her
16 to help him with his wetsuit. He said "Can you help me with this?" and
17 handed her the leg of his wetsuit. Johnston made moaning sounds when
18 she took it like he was having an orgasm.

19 Jordan Wright: Wright attempted to surf Lunada Bay in January 2015
20 with Chris Claypool and Kenneth Claypool. He observed Blakeman
21 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
22 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
23 foot-high wave and was up riding for several seconds. Alan Johnston
24 paddled the wrong way on this wave, dropped in on him going the wrong
25 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
26 while going the wrong way violates normal surf etiquette. Johnston then
27 collided with Wright, and their leashes got tangled. After they surfaced from
28

1 the collision, Johnston then got close to Wright and yelled, "You had to
2 fucking take that wave, didn't you!" The next wave that came through then
3 broke Wright's leash plug and the board was carried into the rocks, which
4 destroyed a new surfboard. Wright had to swim in over rocks to get his
5 board and cut his hands on the rocks doing so. Wright is confident that
6 Johnston attempted to purposefully injure him. What he did was extremely
7 dangerous.

8 Wright has observed Blakeman on many occasions. Blakeman is easy
9 to identify because he rides a kneeboard and he is regularly filming visitors
10 on land with a camcorder. Wright believes his filming is an effort to intimidate
11 visitors. In the water, Wright has observed what appears to be Blakeman
12 directing other Bay Boys to sit close to visiting surfers. Wright has observed
13 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
14 the visitors, impede their movements, block their surfing, kick at them,
15 splash water at them, and dangerously drop in on them. In addition to
16 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
17 Charlie Ferrara, and David Melo engage in this activity. These incidents are
18 described in the declarations filed with Plaintiffs' motion for class
19 certification.

20 Ken Claypool: has been harassed and filmed by Blakeman in an
21 attempt to intimidate him at Lunada Bay on multiple occasions. In January
22 2015, Claypool and his brother Chris Claypool along with Jordan Wright
23 went to surf Lunada Bay. There were about five Lunada Bay locals in the
24 water, including Blakeman who paddled over and threatened them. Claypool
25 observed Blakeman intentionally drop in on Wright at least twice.

26 On February 5, 2016, Claypool went to Lunada Bay with Chris Taloa
27 and Jordan Wright. There was a photographer from the Los Angeles Times
28

1 that was there. Also in attendance was Cory Spencer and Diana Reed.
2 Spencer was there to watch the cars. Blakeman was there filming in an
3 effort to intimidate visitors. Blakeman can be seen in one of the pictures
4 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
5 are informed and believe that there was a text message sent that day to
6 Papayans, Michael Theil and 11 other people stating that there were 5
7 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are
8 informed that the text states: "Things could get ugly. We all need to surf."
9 These incidents are described in the declarations filed with Plaintiffs' motion
10 for class certification.

11 Chris Claypool: he and his brother Ken and Jordan Wright attempted
12 to surf Lunada Bay in January 2015. There were about five locals in the
13 water, including Blakeman who paddled over and was yelling, "Try and catch
14 a wave and see what happens. There is no fucking way you are getting a
15 wave. Just go in. Just go. You better not cut me off." Blakeman looked
16 possessed or possibly on drugs. His behavior got more bizarre throughout
17 the morning. He seemed to be paddling for every wave that he could
18 physically push himself into, perhaps to make a point, but he was wiping out
19 a lot and falling down the face and tumbling across the rock reef. Blakeman
20 looked dangerous to himself. When Blakeman would actually catch a wave
21 in, he would paddle back to where Claypool and his brother were sitting, and
22 continue his insane rant. On one occasion, Blakeman came less than 12
23 inches from Claypool's ear and was screaming. It was so loud, Claypool had
24 to put his fingers in his ear to protect them from being damaged. Claypool is
25 a sound engineer and to put this in perspective, a rock concert creates about
26 120 decibels of noise - this was louder; a jet engine creates about 150
27 decibels. At one point Blakeman caught a wave and drew a line aiming right
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1 at Claypool. Another Bay Boy tried the same thing and said “mother fucker”
2 as he narrowly missed Claypool’s head. Claypool watched as Blakeman
3 intentionally dropped in on Jordan at least twice. It seemed obvious to
4 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
5 them were having fun. Because of the danger, they decided to leave.

6 When Claypool and his brother got out of water, they saw people
7 gathering on top of the cliff. One person was videotaping them from the top
8 of the cliff; it was clear to Claypool that he was doing this to try and
9 intimidate them. The people were watching them from the cliff. It was
10 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
11 obstruct his free passage and use in the customary manner of a public
12 space. It also seemed clear that Blakeman engaged in a concerted effort
13 with other Bay Boys to try and injure him. These incidents are described in
14 the declarations filed with Plaintiffs’ motion for class certification.

15 Jason Gersch: While observing the surf, Gersch was approached by
16 two local Bay Boys named Peter McCollum and Brant Blakeman. These
17 individuals made it known to Gersch that he could not surf there. These
18 incidents are described in the declarations filed with Plaintiffs’ motion for
19 class certification.

20 Plaintiffs are informed and believe and on that basis allege that
21 Defendant Blakeman and his attorneys are attempting to intimidate
22 witnesses in this case. On at least two occasions, an investigator hired by
23 Blakeman’s attorneys contacted witnesses represented by Plaintiffs’
24 attorneys. The investigator also showed up at the home of a reporter that
25 has not been listed as a witness.

26 The request is premature. Because Blakeman and the other
27 defendants are refusing to comply with their obligations to produce
28

documents under the federal rules and are impermissibly withholding evidence and/or possibly spoliating evidence, we are not able to fully respond to discovery requests which necessarily rely on our ability to fully investigate the facts. As discovery is continuing, Reed reserves the right to update this response.

INTERROGATORY NO. 9:

IDENTIFY ALL PERSONS that have knowledge of any facts that support plaintiffs' Second Cause of Action in the Complaint (Public Nuisance) against BRANT BLAKEMAN, and for each such PERSON identified state all facts you contend are within that PERSON's knowledge.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 9:

Responding Party objects to this interrogatory as premature. Because this interrogatory seeks or necessarily relies upon a contention, and because this matter is in its early stages and pretrial discovery has only just begun, Responding Party is unable to provide a complete response at this time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention] interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.").

Responding Party further objects to this interrogatory as unduly burdensome, harassing, and duplicative of information disclosed in Responding Party's Rule 26(a) disclosures and supplemental disclosures. Propounding Party may look to Responding Party's Rule 26(a) disclosures and supplemental disclosures for the information sought by this

1 interrogatory. Moreover, Responding Party had the opportunity to depose
2 Ms. Reed on this topic.

3 Responding Party further objects to this interrogatory as compound.
4 This "interrogatory" contains multiple impermissible subparts, which
5 Propounding Party has propounded to circumvent the numerical limitations
6 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

7 Responding Party further objects to this interrogatory on the grounds
8 that it seeks information that is outside of Responding Party's knowledge.

9 Responding Party further objects to the extent that this interrogatory
10 invades attorney-client privilege and/or violates the work product doctrine by
11 compelling Responding Party to disclose privileged communications and/or
12 litigation strategy.

13 Subject to and without waiver of the foregoing objections, Responding
14 Party responds as follows:

15 In addition to each defendant named in his individual capacity and
16 other persons identified in Plaintiffs' initial and Supplemental Disclosures,
17 and the evidence submitted in support of Plaintiffs motion for class
18 certification, Responding Party identifies the following individuals:

19 Diana Reed: believes that Blakeman engaged in a concerted effort
20 with other Bay Boys to obstruct the plaintiffs' and the publics' free passage
21 and use in the customary manner of a public space. Reed also believes that
22 Blakeman coordinated with other Bay Boys to harass and assault the
23 plaintiffs and the public when they were visiting Lunada Bay. Reed believes
24 that the conduct directed at the plaintiffs and others trying to surf Lunada
25 Bay is part of an agreement among Blakeman and the other Bay Boys,
26 which at a minimum, may be implied by the conduct of the parties and other
27 members of the Bay Boys. Reed believes that the Bay Boys concerted
28

1 efforts to stop the public from accessing the beach are documented in text
2 messages and emails some of which have been destroyed or are being
3 withheld by the Defendants in this case. For example, on February 5, 2016,
4 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom
5 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and
6 several others that said "There are 5 kooks standing on the bluff taking
7 pictures...I think that same Taloa guy. Things could get ugly. " A Los
8 Angeles Times photographer captured a pictured of Defendant Blakeman of
9 the bluff filming plaintiffs. Plaintiffs believe that the Bay Boys take photos
10 and/or video tape people as a form of harassment and intimidation. For
11 example, plaintiffs are also informed and believe that a Lunada Bay local
12 named Joshua Berstein was taking pictures at the MLK 2014 paddle out.
13 Plaintiffs are also informed and believe that Berstein told several people
14 after he photographed them, "Now we know who you are." Plaintiffs believe
15 that the conducted directed at Reed by Blakeman and the individual Bay
16 Boys is because she is a woman. Plaintiff is informed and believes that there
17 are numerous text messages where the Bay Boys refer to Reed as a "bitch"
18 and make sexual comments about her.

19 The specific acts directed against Reed include but are not limited to
20 the following:

21 i) Reed went to Lunada Bay on January 29, 2016 with Jordan
22 Wright. Reed had intended to surf at Lunada Bay that day because the
23 conditions were such that she felt comfortable surfing.¹⁹ Immediately after
24

25 _____
26 ¹⁹ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 they parked their car along the bluffs, the harassment began. Several men
2 drove by and circled around their car. This was the day that she and Wright
3 were harassed and intimidated by David Melo. Blakeman was recording
4 them on land with his camera. It was very disturbing to Reed and made her
5 feel very uncomfortable. Plaintiffs are informed and believe that this was
6 witnessed by John MacHarg.

7 ii) On or about February 12, 2016, The Los Angeles Times
8 published an article called "Bay Boys surfer gang cannot block access to
9 upscale beach, Coastal Commission says." Jordan Wright and Cory
10 Spencer are quoted in the article. Mr. Wright and a few others had planned
11 to surf Lunada Bay the following morning. Plaintiffs are informed and believe
12 that Defendants Johnston and Blakeman learned that Jordan Wright and
13 Diana Reed were going to Lunada Bay and planned to be there to harass
14 them. On February 12, 2016, Defendant Alan Johnston sent the following
15 text messages to an unknown recipient: "No fucking way Taloa is back this
16 year" and "If u really wanna be a bay boy we might meet help tomm."

17 iii) On February 13, 2016, Reed returned to Lunada Bay with
18 Jordan Wright to watch him surf and take photographs. Prior to her arrival,
19 she contacted the Palos Verdes Estates Police and requested an escort
20 from the bluffs to the beach. She was concerned about her safety given the
21 January 29, 2016 incident. She was told that the police were unavailable
22 and no officers were present when they arrived. When Reed and Wright
23 reached the beach, they encountered angry locals who were yelling at them.
24 Reed and Wright ignored the harassment and Wright got into the water to
25 surf and Reed made her way to the Rock Fort where she planned to watch
26 Wright and photograph him.

1 Approximately two hours after Reed had arrived at Lunada Bay, while
2 she was standing in the Rock Fort taking photos, Blakeman and defendant
3 Alan Johnston rushed into the fort and ran towards her in a hostile and
4 aggressive manner. It seemed that they had coordinated and orchestrated
5 the attack which completely caught Reed off guard. Blakeman was filming
6 Reed again, and at times, held his camera right in her face. It was
7 intimidating and harassing to Reed, and she feared for her safety.

8 Reed asked Blakeman and Johnston why they were filming her,
9 because it made her uncomfortable. Blakeman responded, "because I feel
10 like it." Johnston responded, "because you're hot. Because you're fucking
11 sexy baby, wooh!" Johnston then opened a can of beer in a purposeful
12 way so that it sprayed Reed's arm and her camera. Reed, paralyzed with
13 fear, was unable to leave the Rock Fort as Blakeman and Johnston were
14 standing closest to the exit.

15 iii) Plaintiffs are informed and believe that after the incident
16 Defendant Johnston started calling and/or texting other Lunada Bay locals to
17 check for police to plan a getaway. At around 1:00 pm Brad Travers (Travers
18 Tree Service) texted Johnston: "Don't see any cops at the top." Plaintiffs are
19 informed and believe that later that day Johnston received a text from his
20 mother asking him "What happened at the bay?" Johnston replied "Nothing
21 happened really just couple of trolls they got nothing."

22 Reed further identifies the following individuals as having knowledge of
23 concerted efforts by the Bay Boys, including Blakeman:

24 Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada
25 Bay. Almost instantly after they arrived at Lunada Bay, they started getting
26 harassed by Bay Boys. They were told that they couldn't surf there, and
27 Spencer was called a "kook," which is a derogatory surfing term. Spencer
28

1 was also told: "why don't you fucking go home, you fucking kook;" and was
2 asked, "how many other good places did you pass to come here?" These
3 are the same types of statements made by Defendant Sang Lee and others
4 that can be observed on the video published by the Guardian.²⁰ These
5 taunts started while Spencer and Taloa were on the bluffs getting ready to
6 surf. One individual continued to heckle Spencer and Taloa on their way
7 down to the beach and into the water.

8 Blakeman was already in the water and began paddling around
9 Spencer and Taloa in a tight circle – staying just a few feet away from them.
10 There was no legitimate reason for this conduct. Reed believes that this is a
11 tactic used by the Bay Boys to harass people.²¹ Blakeman impeded
12 Spencer's movement in any direction and was intentionally blocking him
13 from catching any waves. It was clear to Spencer that Blakeman was not
14 there to surf that morning. Instead, his mission was to prevent Spencer and
15 Taloa from surfing and to keep them from enjoying their time in the water,
16 the open space, the waves, and nature. This the type of concerted effort was
17 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
18 people from surfing at Lunada Bay. In the approximately 90 minutes that
19 Spencer was in the water that day, Blakeman was focused on Spencer and
20 Taloa and continued to shadow their movements and sit uncomfortably
21 close to them. Spencer had never experienced anything like that before in
22 his life. It was bizarre but also incredibly frightening and disturbing. It
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24
25 ²⁰ <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

26 ²¹ Plaintiffs are informed and believe that Defendant Papayans sent a text
27 message describing similar conduct: "We just had a kook out in the water
28 and me and Jack just sat on his ass."

1 appeared to Spencer that Blakeman was coordinating his actions with a
2 group of guys who were standing in the Rock Fort, along with others in the
3 water. They were all talking to each other and it was clear they all knew
4 each other.

5 At one point while Spencer was in the water and was paddling west
6 out to the ocean, he saw a man surfing, coming in east towards the shore.
7 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
8 of the fins on his surfboard sliced open his right wrist. Spencer has about a
9 half-inch scar from where this man ran him over. As soon as the Bay Boy
10 ran him over, he started berating Spencer, saying things like "what are you
11 fucking doing out here? I told you to go home. I should have run you over.
12 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
13 was pretending that he didn't see Spencer but it was obvious that he did and
14 intentionally ran him over. With over 30 years of surfing experience, Spencer
15 knew that this collision was intentional on his part. Fearful of being further
16 injured at that point, and not wanting to get into an argument with him,
17 Spencer just paddled away. Spencer and Taloa caught one more wave after
18 that and then decided it was getting too dangerous to surf. More men started
19 showing up at the Rock Fort and Spencer and Taloa were growing
20 increasingly fearful for their safety. Spencer was also bleeding and in pain.
21 These incidents are described in the declarations filed with Plaintiffs' motion
22 for class certification and the deposition of Spencer.

23 Christopher Taloa: As set forth above, Taloa and Spencer went surfing
24 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
25 shadowing Spencer's movement in the water. Blakeman was in the water
26 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
27 toward Taloa, at which point Taloa told him that he was too close.

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1 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
2 Taloa kept moving in the water, and Blakeman attempted to keep up with
3 him but was not in good enough shape to do so.

4 Jen Bell: The incident described above was witnessed by a woman
5 named Jen Bell who had gone to Lunada Bay that same day to photograph
6 a guy from Malibu. When she attempted sit down on the beach with her
7 pack, a man said: "You are practically sitting in a men's locker-room. You
8 don't make me feel comfortable." Bell continued to sit there for another 10
9 minutes because she refused to be intimidated but eventually decided to head
10 over to the fort because she saw another woman, Diana Reed, was taking
11 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It
12 was obvious from the start that Johnston and Blakeman were there with the
13 intent to harass Reed. Johnston was making rude comments to both her and
14 Reed. Blakeman was putting the GoPro in their faces. Johnston was
15 chugging multiple beers and it was early in the morning. Johnston asked her
16 to help him with his wetsuit. He said "Can you help me with this?" and
17 handed her the leg of his wetsuit. Johnston made moaning sounds when
18 she took it like he was having an orgasm.

19 Jordan Wright: Wright attempted to surf Lunada Bay in January 2015
20 with Chris Claypool and Kenneth Claypool. He observed Blakeman
21 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
22 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
23 foot-high wave and was up riding for several seconds. Alan Johnston
24 paddled the wrong way on this wave, dropped in on him going the wrong
25 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
26 while going the wrong way violates normal surf etiquette. Johnston then
27 collided with Wright, and their leashes got tangled. After they surfaced from
28

1 the collision, Johnston then got close to Wright and yelled, "You had to
2 fucking take that wave, didn't you!" The next wave that came through then
3 broke Wright's leash plug and the board was carried into the rocks, which
4 destroyed a new surfboard. Wright had to swim in over rocks to get his
5 board and cut his hands on the rocks doing so. Wright is confident that
6 Johnston attempted to purposefully injure him. What he did was extremely
7 dangerous.

8 Wright has observed Blakeman on many occasions. Blakeman is easy
9 to identify because he rides a kneeboard and he is regularly filming visitors
10 on land with a camcorder. Wright believes his filming is an effort to intimidate
11 visitors. In the water, Wright has observed what appears to be Blakeman
12 directing other Bay Boys to sit close to visiting surfers. Wright has observed
13 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
14 the visitors, impede their movements, block their surfing, kick at them,
15 splash water at them, and dangerously drop in on them. In addition to
16 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
17 Charlie Ferrara, and David Melo engage in this activity. These incidents are
18 described in the declarations filed with Plaintiffs' motion for class
19 certification.

20 Ken Claypool: has been harassed and filmed by Blakeman in an
21 attempt to intimidate him at Lunada Bay on multiple occasions. In January
22 2015, Claypool and his brother Chris Claypool along with Jordan Wright
23 went to surf Lunada Bay. There were about five Lunada Bay locals in the
24 water, including Blakeman who paddled over and threatened them. Claypool
25 observed Blakeman intentionally drop in on Wright at least twice.

26 On February 5, 2016, Claypool went to Lunada Bay with Chris Taloa
27 and Jordan Wright. There was a photographer from the Los Angeles Times
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1 that was there. Also in attendance was Cory Spencer and Diana Reed.
2 Spencer was there to watch the cars. Blakeman was there filming in an
3 effort to intimidate visitors. Blakeman can be seen in one of the pictures
4 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
5 are informed and believe that there was a text message sent that day to
6 Papayans, Michael Theil and 11 other people stating that there were 5
7 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are
8 informed that the text states: "Things could get ugly. We all need to surf."
9 These incidents are described in the declarations filed with Plaintiffs' motion
10 for class certification.

11 Chris Claypool: he and his brother Ken and Jordan Wright attempted
12 to surf Lunada Bay in January 2015. There were about five locals in the
13 water, including Blakeman who paddled over and was yelling, "Try and catch
14 a wave and see what happens. There is no fucking way you are getting a
15 wave. Just go in. Just go. You better not cut me off." Blakeman looked
16 possessed or possibly on drugs. His behavior got more bizarre throughout
17 the morning. He seemed to be paddling for every wave that he could
18 physically push himself into, perhaps to make a point, but he was wiping out
19 a lot and falling down the face and tumbling across the rock reef. Blakeman
20 looked dangerous to himself. When Blakeman would actually catch a wave
21 in, he would paddle back to where Claypool and his brother were sitting, and
22 continue his insane rant. On one occasion, Blakeman came less than 12
23 inches from Claypool's ear and was screaming. It was so loud, Claypool had
24 to put his fingers in his ear to protect them from being damaged. Claypool is
25 a sound engineer and to put this in perspective, a rock concert creates about
26 120 decibels of noise - this was louder; a jet engine creates about 150
27 decibels. At one point Blakeman caught a wave and drew a line aiming right
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1 at Claypool. Another Bay Boy tried the same thing and said “mother fucker”
2 as he narrowly missed Claypool’s head. Claypool watched as Blakeman
3 intentionally dropped in on Jordan at least twice. It seemed obvious to
4 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
5 them were having fun. Because of the danger, they decided to leave.

6 When Claypool and his brother got out of water, they saw people
7 gathering on top of the cliff. One person was videotaping them from the top
8 of the cliff; it was clear to Claypool that he was doing this to try and
9 intimidate them. The people were watching them from the cliff. It was
10 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
11 obstruct his free passage and use in the customary manner of a public
12 space. It also seemed clear that Blakeman engaged in a concerted effort
13 with other Bay Boys to try and injure him. These incidents are described in
14 the declarations filed with Plaintiffs’ motion for class certification.

15 Jason Gersch: While observing the surf, Gersch was approached by
16 two local Bay Boys named Peter McCollum and Brant Blakeman. These
17 individuals made it known to Gersch that he could not surf there. These
18 incidents are described in the declarations filed with Plaintiffs’ motion for
19 class certification.

20 Plaintiffs are informed and believe and on that basis allege that
21 Defendant Blakeman and his attorneys are attempting to intimidate
22 witnesses in this case. On at least two occasions, an investigator hired by
23 Blakeman’s attorneys contacted witnesses represented by Plaintiffs’
24 attorneys. The investigator also showed up at the home of a reporter that
25 has not been listed as a witness.

26 The request is premature. Because Blakeman and the other
27 defendants are refusing to comply with their obligations to produce
28

documents under the federal rules and are impermissibly withholding evidence and/or possibly spoliating evidence, we are not able to fully respond to discovery requests which necessarily rely on our ability to fully investigate the facts. As discovery is continuing, Reed reserves the right to update this response.

INTERROGATORY NO. 10:

IDENTIFY ALL PERSONS that have knowledge of any facts that support plaintiffs' Sixth Cause of Action in the Complaint (Assault) against BRANT BLAKEMAN, and for each such PERSON identified state all facts you contend are within that PERSON's knowledge.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 10:

Responding Party objects to this interrogatory as premature. Because this interrogatory seeks or necessarily relies upon a contention, and because this matter is in its early stages and pretrial discovery has only just begun, Responding Party is unable to provide a complete response at this time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention] interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.").

Responding Party further objects to this interrogatory as unduly burdensome, harassing, and duplicative of information disclosed in Responding Party's Rule 26(a) disclosures and supplemental disclosures. Propounding Party may look to Responding Party's Rule 26(a) disclosures and supplemental disclosures for the information sought by this

1 interrogatory. Moreover, Responding Party had the opportunity to depose
2 Ms. Reed on this topic.

3 Responding Party further objects to this interrogatory as compound.
4 This "interrogatory" contains multiple impermissible subparts, which
5 Propounding Party has propounded to circumvent the numerical limitations
6 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

7 Responding Party further objects to this interrogatory on the grounds
8 that it seeks information that is outside of Responding Party's knowledge.

9 Responding Party further objects to the extent that this interrogatory
10 invades attorney-client privilege and/or violates the work product doctrine by
11 compelling Responding Party to disclose privileged communications and/or
12 litigation strategy.

13 Subject to and without waiver of the foregoing objections, Responding
14 Party responds as follows:

15 In addition to each defendant named in his individual capacity and
16 other persons identified in Plaintiffs' initial and Supplemental Disclosures,
17 and the evidence submitted in support of Plaintiffs motion for class
18 certification, Responding Party identifies the following individuals:

19 Diana Reed: believes that Blakeman engaged in a concerted effort
20 with other Bay Boys to obstruct the plaintiffs' and the publics' free passage
21 and use in the customary manner of a public space. Reed also believes that
22 Blakeman coordinated with other Bay Boys to harass and assault the
23 plaintiffs and the public when they were visiting Lunada Bay. Reed believes
24 that the conduct directed at the plaintiffs and others trying to surf Lunada
25 Bay is part of an agreement among Blakeman and the other Bay Boys,
26 which at a minimum, may be implied by the conduct of the parties and other
27 members of the Bay Boys. Reed believes that the Bay Boys concerted
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1 efforts to stop the public from accessing the beach are documented in text
2 messages and emails some of which have been destroyed or are being
3 withheld by the Defendants in this case. For example, on February 5, 2016,
4 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom
5 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and
6 several others that said "There are 5 kooks standing on the bluff taking
7 pictures...I think that same Taloa guy. Things could get ugly." A Los Angeles
8 Times photographer captured a pictured of Defendant Blakeman of the bluff
9 filming plaintiffs. Plaintiffs believe that the Bay Boys take photos and/or
10 video tape people as a form of harassment and intimidation. For example,
11 plaintiffs are also informed and believe that a Lunada Bay local named
12 Joshua Berstein was taking pictures at the MLK 2014 paddle out. Plaintiffs
13 are also informed and believe that Berstein told several people after he
14 photographed them, "Now we know who you are." Plaintiffs believe that the
15 conducted directed at Reed by Blakeman and the individual Bay Boys is
16 because she is a woman. Plaintiff is informed and believes that there are
17 numerous text messages where the Bay Boys refer to Reed as a "bitch" and
18 make sexual comments about her.

19 The specific acts directed against Reed include but are not limited to
20 the following:

21 i) Reed went to Lunada Bay on January 29, 2016 with Jordan
22 Wright. Reed had intended to surf at Lunada Bay that day because the
23 conditions were such that she felt comfortable surfing.²² Immediately after
24

25 _____
26 ²² Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 they parked their car along the bluffs, the harassment began. Several men
2 drove by and circled around their car. This was the day that she and Wright
3 were harassed and intimidated by David Melo. Blakeman was recording
4 them on land with his camera. It was very disturbing to Reed and made her
5 feel very uncomfortable. Plaintiffs are informed and believe that this was
6 witnessed by John MacHarg.

7 ii) On or about February 12, 2016, The Los Angeles Times
8 published an article called "Bay Boys surfer gang cannot block access to
9 upscale beach, Coastal Commission says." Jordan Wright and Cory
10 Spencer are quoted in the article. Mr. Wright and a few others had planned
11 to surf Lunada Bay the following morning. Plaintiffs are informed and believe
12 that Defendants Johnston and Blakeman learned that Jordan Wright and
13 Diana Reed were going to Lunada Bay and planned to be there to harass
14 them. On February 12, 2016, Defendant Alan Johnston sent the following
15 text messages to an unknown recipient: "No fucking way Taloa is back this
16 year" and "If u really wanna be a bay boy we might meet help tomm."

17 iii) On February 13, 2016, Reed returned to Lunada Bay with
18 Jordan Wright to watch him surf and take photographs. Prior to her arrival,
19 she contacted the Palos Verdes Estates Police and requested an escort
20 from the bluffs to the beach. She was concerned about her safety given the
21 January 29, 2016 incident. She was told that the police were unavailable
22 and no officers were present when they arrived. When Reed and Wright
23 reached the beach, they encountered angry locals who were yelling at them.
24 Reed and Wright ignored the harassment and Wright got into the water to
25 surf and Reed made her way to the Rock Fort where she planned to watch
26 Wright and photograph him.

1 Approximately two hours after Reed had arrived at Lunada Bay, while
2 she was standing in the Rock Fort taking photos, Blakeman and defendant
3 Alan Johnston rushed into the fort and ran towards her in a hostile and
4 aggressive manner. It seemed that they had coordinated and orchestrated
5 the attack which completely caught Reed off guard. Blakeman was filming
6 Reed again, and at times, held his camera right in her face. It was
7 intimidating and harassing to Reed, and she feared for her safety.

8 Reed asked Blakeman and Johnston why they were filming her,
9 because it made her uncomfortable. Blakeman responded, "because I feel
10 like it." Johnston responded, "because you're hot. Because you're fucking
11 sexy baby, wooh!" Johnston then opened a can of beer in a purposeful
12 way so that it sprayed Reed's arm and her camera. Reed, paralyzed with
13 fear, was unable to leave the Rock Fort as Blakeman and Johnston were
14 standing closest to the exit.

15 iii) Plaintiffs are informed and believe that after the incident
16 Defendant Johnston started calling and/or texting other Lunada Bay locals to
17 check for police to plan a getaway. At around 1:00 pm Brad Travers (Travers
18 Tree Service) texted Johnston: "Don't see any cops at the top." Plaintiffs are
19 informed and believe that later that day Johnston received a text from his
20 mother asking him "What happened at the bay?" Johnston replied "Nothing
21 happened really just couple of trolls they got nothing."

22 Reed further identifies the following individuals as having knowledge of
23 concerted efforts by the Bay Boys, including Blakeman:

24 Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada
25 Bay. Almost instantly after they arrived at Lunada Bay, they started getting
26 harassed by Bay Boys. They were told that they couldn't surf there, and
27 Spencer was called a "kook," which is a derogatory surfing term. Spencer
28

1 was also told: "why don't you fucking go home, you fucking kook;" and was
2 asked, "how many other good places did you pass to come here?" These
3 are the same types of statements made by Defendant Sang Lee and others
4 that can be observed on the video published by the Guardian.²³ These
5 taunts started while Spencer and Taloa were on the bluffs getting ready to
6 surf. One individual continued to heckle Spencer and Taloa on their way
7 down to the beach and into the water.

8 Blakeman was already in the water and began paddling around
9 Spencer and Taloa in a tight circle – staying just a few feet away from them.
10 There was no legitimate reason for this conduct. Reed believes that this is a
11 tactic used by the Bay Boys to harass people.²⁴ Blakeman impeded
12 Spencer's movement in any direction and was intentionally blocking him
13 from catching any waves. It was clear to Spencer that Blakeman was not
14 there to surf that morning. Instead, his mission was to prevent Spencer and
15 Taloa from surfing and to keep them from enjoying their time in the water,
16 the open space, the waves, and nature. This the type of concerted effort was
17 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
18 people from surfing at Lunada Bay. In the approximately 90 minutes that
19 Spencer was in the water that day, Blakeman was focused on Spencer and
20 Taloa and continued to shadow their movements and sit uncomfortably
21 close to them. Spencer had never experienced anything like that before in
22 his life. It was bizarre but also incredibly frightening and disturbing. It
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25 ²³ <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

26 ²⁴ Plaintiffs are informed and believe that Defendant Papayans sent a text
27 message describing similar conduct: "We just had a kook out in the water
28 and me and Jack just sat on his ass."

1 appeared to Spencer that Blakeman was coordinating his actions with a
2 group of guys who were standing in the Rock Fort, along with others in the
3 water. They were all talking to each other and it was clear they all knew
4 each other.

5 At one point while Spencer was in the water and was paddling west
6 out to the ocean, he saw a man surfing, coming in east towards the shore.
7 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
8 of the fins on his surfboard sliced open his right wrist. Spencer has about a
9 half-inch scar from where this man ran him over. As soon as the Bay Boy
10 ran him over, he started berating Spencer, saying things like "what are you
11 fucking doing out here? I told you to go home. I should have run you over.
12 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
13 was pretending that he didn't see Spencer but it was obvious that he did and
14 intentionally ran him over. With over 30 years of surfing experience, Spencer
15 knew that this collision was intentional on his part. Fearful of being further
16 injured at that point, and not wanting to get into an argument with him,
17 Spencer just paddled away. Spencer and Taloa caught one more wave after
18 that and then decided it was getting too dangerous to surf. More men started
19 showing up at the Rock Fort and Spencer and Taloa were growing
20 increasingly fearful for their safety. Spencer was also bleeding and in pain.
21 These incidents are described in the declarations filed with Plaintiffs' motion
22 for class certification and the deposition of Spencer.

23 Christopher Taloa: As set forth above, Taloa and Spencer went surfing
24 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
25 shadowing Spencer's movement in the water. Blakeman was in the water
26 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
27 toward Taloa, at which point Taloa told him that he was too close.

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1 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
2 Taloa kept moving in the water, and Blakeman attempted to keep up with
3 him but was not in good enough shape to do so.

4 Jen Bell: The incident described above was witnessed by a woman
5 named Jen Bell who had gone to Lunada Bay that same day to photograph
6 a guy from Malibu. When she attempted sit down on the beach with her
7 pack, a man said: "You are practically sitting in a men's locker-room. You
8 don't make me feel comfortable." Bell continued to sit there for another 10
9 minutes because she refused to be intimidated but eventually decided to head
10 over to the fort because she saw another woman, Diana Reed, was taking
11 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It
12 was obvious from the start that Johnston and Blakeman were there with the
13 intent to harass Reed. Johnston was making rude comments to both her and
14 Reed. Blakeman was putting the GoPro in their faces. Johnston was
15 chugging multiple beers and it was early in the morning. Johnston asked her
16 to help him with his wetsuit. He said "Can you help me with this?" and
17 handed her the leg of his wetsuit. Johnston made moaning sounds when
18 she took it like he was having an orgasm.

19 Jordan Wright: Wright attempted to surf Lunada Bay in January 2015
20 with Chris Claypool and Kenneth Claypool. He observed Blakeman
21 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
22 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
23 foot-high wave and was up riding for several seconds. Alan Johnston
24 paddled the wrong way on this wave, dropped in on him going the wrong
25 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
26 while going the wrong way violates normal surf etiquette. Johnston then
27 collided with Wright, and their leashes got tangled. After they surfaced from
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1 the collision, Johnston then got close to Wright and yelled, "You had to
2 fucking take that wave, didn't you!" The next wave that came through then
3 broke Wright's leash plug and the board was carried into the rocks, which
4 destroyed a new surfboard. Wright had to swim in over rocks to get his
5 board and cut his hands on the rocks doing so. Wright is confident that
6 Johnston attempted to purposefully injure him. What he did was extremely
7 dangerous.

8 Wright has observed Blakeman on many occasions. Blakeman is easy
9 to identify because he rides a kneeboard and he is regularly filming visitors
10 on land with a camcorder. Wright believes his filming is an effort to intimidate
11 visitors. In the water, Wright has observed what appears to be Blakeman
12 directing other Bay Boys to sit close to visiting surfers. Wright has observed
13 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
14 the visitors, impede their movements, block their surfing, kick at them,
15 splash water at them, and dangerously drop in on them. In addition to
16 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
17 Charlie Ferrara, and David Melo engage in this activity. These incidents are
18 described in the declarations filed with Plaintiffs' motion for class
19 certification.

20 Ken Claypool: has been harassed and filmed by Blakeman in an
21 attempt to intimidate him at Lunada Bay on multiple occasions. In January
22 2015, Claypool and his brother Chris Claypool along with Jordan Wright
23 went to surf Lunada Bay. There were about five Lunada Bay locals in the
24 water, including Blakeman who paddled over and threatened them. Claypool
25 observed Blakeman intentionally drop in on Wright at least twice.

26 On February 5, 2016, Claypool went to Lunada Bay with Chris Taloa
27 and Jordan Wright. There was a photographer from the Los Angeles Times
28

1 that was there. Also in attendance was Cory Spencer and Diana Reed.
2 Spencer was there to watch the cars. Blakeman was there filming in an
3 effort to intimidate visitors. Blakeman can be seen in one of the pictures
4 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
5 are informed and believe that there was a text message sent that day to
6 Papayans, Michael Theil and 11 other people stating that there were 5
7 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are
8 informed that the text states: "Things could get ugly. We all need to surf."
9 These incidents are described in the declarations filed with Plaintiffs' motion
10 for class certification.

11 Chris Claypool: he and his brother Ken and Jordan Wright attempted
12 to surf Lunada Bay in January 2015. There were about five locals in the
13 water, including Blakeman who paddled over and was yelling, "Try and catch
14 a wave and see what happens. There is no fucking way you are getting a
15 wave. Just go in. Just go. You better not cut me off." Blakeman looked
16 possessed or possibly on drugs. His behavior got more bizarre throughout
17 the morning. He seemed to be paddling for every wave that he could
18 physically push himself into, perhaps to make a point, but he was wiping out
19 a lot and falling down the face and tumbling across the rock reef. Blakeman
20 looked dangerous to himself. When Blakeman would actually catch a wave
21 in, he would paddle back to where Claypool and his brother were sitting, and
22 continue his insane rant. On one occasion, Blakeman came less than 12
23 inches from Claypool's ear and was screaming. It was so loud, Claypool had
24 to put his fingers in his ear to protect them from being damaged. Claypool is
25 a sound engineer and to put this in perspective, a rock concert creates about
26 120 decibels of noise - this was louder; a jet engine creates about 150
27 decibels. At one point Blakeman caught a wave and drew a line aiming right
28

1 at Claypool. Another Bay Boy tried the same thing and said “mother fucker”
2 as he narrowly missed Claypool’s head. Claypool watched as Blakeman
3 intentionally dropped in on Jordan at least twice. It seemed obvious to
4 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
5 them were having fun. Because of the danger, they decided to leave.

6 When Claypool and his brother got out of water, they saw people
7 gathering on top of the cliff. One person was videotaping them from the top
8 of the cliff; it was clear to Claypool that he was doing this to try and
9 intimidate them. The people were watching them from the cliff. It was
10 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
11 obstruct his free passage and use in the customary manner of a public
12 space. It also seemed clear that Blakeman engaged in a concerted effort
13 with other Bay Boys to try and injure him. These incidents are described in
14 the declarations filed with Plaintiffs’ motion for class certification.

15 Jason Gersch: While observing the surf, Gersch was approached by
16 two local Bay Boys named Peter McCollum and Brant Blakeman. These
17 individuals made it known to Gersch that he could not surf there. These
18 incidents are described in the declarations filed with Plaintiffs’ motion for
19 class certification.

20 Plaintiffs are informed and believe and on that basis allege that
21 Defendant Blakeman and his attorneys are attempting to intimidate
22 witnesses in this case. On at least two occasions, an investigator hired by
23 Blakeman’s attorneys contacted witnesses represented by Plaintiffs’
24 attorneys. The investigator also showed up at the home of a reporter that
25 has not been listed as a witness.

26 The request is premature. Because Blakeman and the other
27 defendants are refusing to comply with their obligations to produce
28

documents under the federal rules and are impermissibly withholding evidence and/or possibly spoliating evidence, we are not able to fully respond to discovery requests which necessarily rely on our ability to fully investigate the facts. As discovery is continuing, Reed reserves the right to update this response.

INTERROGATORY NO. 11:

IDENTIFY ALL PERSONS that have knowledge of any facts that support plaintiffs' Seventh Cause of Action in the Complaint (Battery) against BRANT BLAKEMAN, and for each such PERSON identified state all facts you contend are within that PERSON's knowledge.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11:

Responding Party objects to this interrogatory as premature. Because this interrogatory seeks or necessarily relies upon a contention, and because this matter is in its early stages and pretrial discovery has only just begun, Responding Party is unable to provide a complete response at this time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention] interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.").

Responding Party further objects to this interrogatory as unduly burdensome, harassing, and duplicative of information disclosed in Responding Party's Rule 26(a) disclosures and supplemental disclosures. Propounding Party may look to Responding Party's Rule 26(a) disclosures and supplemental disclosures for the information sought by this

1 interrogatory. Moreover, Responding Party had the opportunity to depose
2 Ms. Reed on this topic.

3 Responding Party further objects to this interrogatory as compound.
4 This "interrogatory" contains multiple impermissible subparts, which
5 Propounding Party has propounded to circumvent the numerical limitations
6 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

7 Responding Party further objects to this interrogatory on the grounds
8 that it seeks information that is outside of Responding Party's knowledge.

9 Responding Party further objects to the extent that this interrogatory
10 invades attorney-client privilege and/or violates the work product doctrine by
11 compelling Responding Party to disclose privileged communications and/or
12 litigation strategy.

13 Subject to and without waiver of the foregoing objections, Responding
14 Party responds as follows:

15 In addition to each defendant named in his individual capacity and
16 other persons identified in Plaintiffs' initial and Supplemental Disclosures,
17 and the evidence submitted in support of Plaintiffs motion for class
18 certification, Responding Party identifies the following individuals:

19 Diana Reed: believes that Blakeman engaged in a concerted effort
20 with other Bay Boys to obstruct the plaintiffs' and the publics' free passage
21 and use in the customary manner of a public space. Reed also believes that
22 Blakeman coordinated with other Bay Boys to harass and assault the
23 plaintiffs and the public when they were visiting Lunada Bay. Reed believes
24 that the conduct directed at the plaintiffs and others trying to surf Lunada
25 Bay is part of an agreement among Blakeman and the other Bay Boys,
26 which at a minimum, may be implied by the conduct of the parties and other
27 members of the Bay Boys. Reed believes that the Bay Boys concerted
28

1 efforts to stop the public from accessing the beach are documented in text
2 messages and emails some of which have been destroyed or are being
3 withheld by the Defendants in this case. For example, on February 5, 2016,
4 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom
5 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and
6 several others that said "There are 5 kooks standing on the bluff taking
7 pictures...I think that same Taloa guy. Things could get ugly." A Los Angeles
8 Times photographer captured a pictured of Defendant Blakeman of the bluff
9 filming plaintiffs. Plaintiffs believe that the Bay Boys take photos and/or
10 video tape people as a form of harassment and intimidation. For example,
11 plaintiffs are also informed and believe that a Lunada Bay local named
12 Joshua Bernstein was taking pictures at the MLK 2014 paddle out. Plaintiffs
13 are also informed and believe that Bernstein told several people after he
14 photographed them, "Now we know who you are." Plaintiffs believe that the
15 conducted directed at Reed by Blakeman and the individual Bay Boys is
16 because she is a woman. Plaintiff is informed and believes that there are
17 numerous text messages where the Bay Boys refer to Reed as a "bitch" and
18 make sexual comments about her.

19 The specific acts directed against Reed include but are not limited to
20 the following:

21 i) Reed went to Lunada Bay on January 29, 2016 with Jordan
22 Wright. Reed had intended to surf at Lunada Bay that day because the
23 conditions were such that she felt comfortable surfing. Immediately after
24 they parked their car along the bluffs, the harassment began. Several men
25 drove by and circled around their car. This was the day that she and Wright
26 were harassed and intimidated by David Melo. Blakeman was recording
27 them on land with his camera. It was very disturbing to Reed and made her
28

1 feel very uncomfortable. Plaintiffs are informed and believe that this was
2 witnessed by John MacHarg.

3 ii) On or about February 12, 2016, The Los Angeles Times
4 published an article called "Bay Boys surfer gang cannot block access to
5 upscale beach, Coastal Commission says." Jordan Wright and Cory
6 Spencer are quoted in the article. Mr. Wright and a few others had planned
7 to surf Lunada Bay the following morning. Plaintiffs are informed and believe
8 that Defendants Johnston and Blakeman learned that Jordan Wright and
9 Diana Reed were going to Lunada Bay and planned to be there to harass
10 them. On February 12, 2016, Defendant Alan Johnston sent the following
11 text messages to an unknown recipient: "No fucking way Taloa is back this
12 year" and "If u really wanna be a bay boy we might meet help tomm."

13 iii) On February 13, 2016, Reed returned to Lunada Bay with
14 Jordan Wright to watch him surf and take photographs. Prior to her arrival,
15 she contacted the Palos Verdes Estates Police and requested an escort
16 from the bluffs to the beach. She was concerned about her safety given the
17 January 29, 2016 incident. She was told that the police were unavailable
18 and no officers were present when they arrived. When Reed and Wright
19 reached the beach, they encountered angry locals who were yelling at them.
20 Reed and Wright ignored the harassment and Wright got into the water to
21 surf and Reed made her way to the Rock Fort where she planned to watch
22 Wright and photograph him.

23 Approximately two hours after Reed had arrived at Lunada Bay, while
24 she was standing in the Rock Fort taking photos, Blakeman and defendant
25 Alan Johnston rushed into the fort and ran towards her in a hostile and
26 aggressive manner. It seemed that they had coordinated and orchestrated
27 the attack which completely caught Reed off guard. Blakeman was filming
28

1 Reed again, and at times, held his camera right in her face. It was
2 intimidating and harassing to Reed, and she feared for her safety.

3 Reed asked Blakeman and Johnston why they were filming her,
4 because it made her uncomfortable. Blakeman responded, "because I feel
5 like it." Johnston responded, "because you're hot. Because you're fucking
6 sexy baby, woohh!" Johnston then opened a can of beer in a purposeful
7 way so that it sprayed Reed's arm and her camera. Reed, paralyzed with
8 fear, was unable to leave the Rock Fort as Blakeman and Johnston were
9 standing closest to the exit.

10 iii) Plaintiffs are informed and believe that after the incident
11 Defendant Johnston started calling and/or texting other Lunada Bay locals to
12 check for police to plan a getaway. At around 1:00 pm Brad Travers (Travers
13 Tree Service) texted Johnston: "Don't see any cops at the top." Plaintiffs are
14 informed and believe that later that day Johnston received a text from his
15 mother asking him "What happened at the bay?" Johnston replied "Nothing
16 happened really just couple of trolls they got nothing."

17 Reed further identifies the following individuals as having knowledge of
18 concerted efforts by the Bay Boys, including Blakeman:

19 Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada
20 Bay. Almost instantly after they arrived at Lunada Bay, they started getting
21 harassed by Bay Boys. They were told that they couldn't surf there, and
22 Spencer was called a "kook," which is a derogatory surfing term. Spencer
23 was also told: "why don't you fucking go home, you fucking kook;" and was
24 asked, "how many other good places did you pass to come here?" These
25 are the same types of statements made by Defendant Sang Lee and others
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1 that can be observed on the video published by the Guardian.²⁵ These
2 taunts started while Spencer and Taloa were on the bluffs getting ready to
3 surf. One individual continued to heckle Spencer and Taloa on their way
4 down to the beach and into the water.

5 Blakeman was already in the water and began paddling around
6 Spencer and Taloa in a tight circle – staying just a few feet away from them.
7 There was no legitimate reason for this conduct. Reed believes that this is a
8 tactic used by the Bay Boys to harass people.²⁶ Blakeman impeded
9 Spencer’s movement in any direction and was intentionally blocking him
10 from catching any waves. It was clear to Spencer that Blakeman was not
11 there to surf that morning. Instead, his mission was to prevent Spencer and
12 Taloa from surfing and to keep them from enjoying their time in the water,
13 the open space, the waves, and nature. This the type of concerted effort was
14 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
15 people from surfing at Lunada Bay. In the approximately 90 minutes that
16 Spencer was in the water that day, Blakeman was focused on Spencer and
17 Taloa and continued to shadow their movements and sit uncomfortably
18 close to them. Spencer had never experienced anything like that before in
19 his life. It was bizarre but also incredibly frightening and disturbing. It
20 appeared to Spencer that Blakeman was coordinating his actions with a
21 group of guys who were standing in the Rock Fort, along with others in the
22 water. They were all talking to each other and it was clear they all knew

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24 _____
25 ²⁵ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
26 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

27 ²⁶ Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: “We just had a kook out in the water
and me and Jack just sat on his ass.”

1 each other.

2 At one point while Spencer was in the water and was paddling west
3 out to the ocean, he saw a man surfing, coming in east towards the shore.
4 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
5 of the fins on his surfboard sliced open his right wrist. Spencer has about a
6 half-inch scar from where this man ran him over. As soon as the Bay Boy
7 ran him over, he started berating Spencer, saying things like "what are you
8 fucking doing out here? I told you to go home. I should have run you over.
9 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
10 was pretending that he didn't see Spencer but it was obvious that he did and
11 intentionally ran him over. With over 30 years of surfing experience, Spencer
12 knew that this collision was intentional on his part. Fearful of being further
13 injured at that point, and not wanting to get into an argument with him,
14 Spencer just paddled away. Spencer and Taloa caught one more wave after
15 that and then decided it was getting too dangerous to surf. More men started
16 showing up at the Rock Fort and Spencer and Taloa were growing
17 increasingly fearful for their safety. Spencer was also bleeding and in pain.
18 These incidents are described in the declarations filed with Plaintiffs' motion
19 for class certification and the deposition of Spencer.

20 Christopher Taloa: As set forth above, Taloa and Spencer went surfing
21 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
22 shadowing Spencer's movement in the water. Blakeman was in the water
23 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
24 toward Taloa, at which point Taloa told him that he was too close.
25 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
26 Taloa kept moving in the water, and Blakeman attempted to keep up with
27 him but was not in good enough shape to do so.

28

1 Jen Bell: The incident described above was witnessed by a woman
2 named Jen Bell who had gone to Lunada Bay that same day to photograph
3 a guy from Malibu. When she attempted sit down on the beach with her
4 pack, a man said: "You are practically sitting in a men's locker-room. You
5 don't make me feel comfortable." Bell continued to sit there for another 10
6 minutes because she refused to be intimidated but eventually decided to head
7 over to the fort because she saw another woman, Diana Reed, was taking
8 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It
9 was obvious from the start that Johnston and Blakeman were there with the
10 intent to harass Reed. Johnston was making rude comments to both her and
11 Reed. Blakeman was putting the GoPro in their faces. Johnston was
12 chugging multiple beers and it was early in the morning. Johnston asked her
13 to help him with his wetsuit. He said "Can you help me with this?" and
14 handed her the leg of his wetsuit. Johnston made moaning sounds when
15 she took it like he was having an orgasm.

16 Jordan Wright: Wright attempted to surf Lunada Bay in January 2015
17 with Chris Claypool and Kenneth Claypool. He observed Blakeman
18 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
19 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
20 foot-high wave and was up riding for several seconds. Alan Johnston
21 paddled the wrong way on this wave, dropped in on him going the wrong
22 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
23 while going the wrong way violates normal surf etiquette. Johnston then
24 collided with Wright, and their leashes got tangled. After they surfaced from
25 the collision, Johnston then got close to Wright and yelled, "You had to
26 fucking take that wave, didn't you!" The next wave that came through then
27 broke Wright's leash plug and the board was carried into the rocks, which
28

1 destroyed a new surfboard. Wright had to swim in over rocks to get his
2 board and cut his hands on the rocks doing so. Wright is confident that
3 Johnston attempted to purposefully injure him. What he did was extremely
4 dangerous.

5 Wright has observed Blakeman on many occasions. Blakeman is easy
6 to identify because he rides a kneeboard and he is regularly filming visitors
7 on land with a camcorder. Wright believes his filming is an effort to intimidate
8 visitors. In the water, Wright has observed what appears to be Blakeman
9 directing other Bay Boys to sit close to visiting surfers. Wright has observed
10 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
11 the visitors, impede their movements, block their surfing, kick at them,
12 splash water at them, and dangerously drop in on them. In addition to
13 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
14 Charlie Ferrara, and David Melo engage in this activity. These incidents are
15 described in the declarations filed with Plaintiffs' motion for class
16 certification.

17 Ken Claypool: has been harassed and filmed by Blakeman in an
18 attempt to intimidate him at Lunada Bay on multiple occasions. In January
19 2015, Claypool and his brother Chris Claypool along with Jordan Wright
20 went to surf Lunada Bay. There were about five Lunada Bay locals in the
21 water, including Blakeman who paddled over and threatened them. Claypool
22 observed Blakeman intentionally drop in on Wright at least twice.

23 On February 5, 2016, Claypool went to Lunada Bay with Chris Taloa
24 and Jordan Wright. There was a photographer from the Los Angeles Times
25 that was there. Also in attendance was Cory Spencer and Diana Reed.
26 Spencer was there to watch the cars. Blakeman was there filming in an
27 effort to intimidate visitors. Blakeman can be seen in one of the pictures
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1 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
2 are informed and believe that there was a text message sent that day to
3 Papayans, Michael Theil and 11 other people stating that there were 5
4 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are
5 informed that the text states: "Things could get ugly. We all need to surf."
6 These incidents are described in the declarations filed with Plaintiffs' motion
7 for class certification.

8 Chris Claypool: he and his brother Ken and Jordan Wright attempted
9 to surf Lunada Bay in January 2015. There were about five locals in the
10 water, including Blakeman who paddled over and was yelling, "Try and catch
11 a wave and see what happens. There is no fucking way you are getting a
12 wave. Just go in. Just go. You better not cut me off." Blakeman looked
13 possessed or possibly on drugs. His behavior got more bizarre throughout
14 the morning. He seemed to be paddling for every wave that he could
15 physically push himself into, perhaps to make a point, but he was wiping out
16 a lot and falling down the face and tumbling across the rock reef. Blakeman
17 looked dangerous to himself. When Blakeman would actually catch a wave
18 in, he would paddle back to where Claypool and his brother were sitting, and
19 continue his insane rant. On one occasion, Blakeman came less than 12
20 inches from Claypool's ear and was screaming. It was so loud, Claypool had
21 to put his fingers in his ear to protect them from being damaged. Claypool is
22 a sound engineer and to put this in perspective, a rock concert creates about
23 120 decibels of noise - this was louder; a jet engine creates about 150
24 decibels. At one point Blakeman caught a wave and drew a line aiming right
25 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
26 as he narrowly missed Claypool's head. Claypool watched as Blakeman
27 intentionally dropped in on Jordan at least twice. It seemed obvious to
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1 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
2 them were having fun. Because of the danger, they decided to leave.

3 When Claypool and his brother got out of water, they saw people
4 gathering on top of the cliff. One person was videotaping them from the top
5 of the cliff; it was clear to Claypool that he was doing this to try and
6 intimidate them. The people were watching them from the cliff. It was
7 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
8 obstruct his free passage and use in the customary manner of a public
9 space. It also seemed clear that Blakeman engaged in a concerted effort
10 with other Bay Boys to try and injure him. These incidents are described in
11 the declarations filed with Plaintiffs' motion for class certification.

12 Jason Gersch: While observing the surf, Gersch was approached by
13 two local Bay Boys named Peter McCollum and Brant Blakeman. These
14 individuals made it known to Gersch that he could not surf there. These
15 incidents are described in the declarations filed with Plaintiffs' motion for
16 class certification.

17 Plaintiffs are informed and believe and on that basis allege that
18 Defendant Blakeman and his attorneys are attempting to intimidate
19 witnesses in this case. On at least two occasions, an investigator hired by
20 Blakeman's attorneys contacted witnesses represented by Plaintiffs'
21 attorneys. The investigator also showed up at the home of a reporter that
22 has not been listed as a witness.

23 The request is premature. Because Blakeman and the other
24 defendants are refusing to comply with their obligations to produce
25 documents under the federal rules and are impermissibly withholding
26 evidence and/or possibly spoliating evidence, we are not able to fully
27 respond to discovery requests which necessarily rely on our ability to fully
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1 investigate the facts. As discovery is continuing, Reed reserves the right to
2 update this response.

3 **INTERROGATORY NO. 12:**

4 IDENTIFY ALL PERSONS that have knowledge of any facts that
5 support plaintiffs' Eight Cause of Action in the Complaint (Negligence)
6 against BRANT BLAKEMAN, and for each such PERSON identified state all
7 facts you contend are within that PERSON's knowledge.

8 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 12:**

9 Responding Party objects to this interrogatory as premature. Because
10 this interrogatory seeks or necessarily relies upon a contention, and
11 because this matter is in its early stages and pretrial discovery has only just
12 begun, Responding Party is unable to provide a complete response at this
13 time, nor is it required to do so. See *Kniec v. Powerwave Techs. Inc. et al.*,
14 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
15 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
16 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
17 interrogatory need not be answered until designated discovery is complete,
18 or until a pretrial conference or some other time.").

19 Responding Party further objects to this interrogatory as unduly
20 burdensome, harassing, and duplicative of information disclosed in
21 Responding Party's Rule 26(a) disclosures and supplemental disclosures.
22 Propounding Party may look to Responding Party's Rule 26(a) disclosures
23 and supplemental disclosures for the information sought by this
24 interrogatory. Moreover, Responding Party had the opportunity to depose
25 Ms. Reed on this topic.

26 Responding Party further objects to this interrogatory as compound.
27 This "interrogatory" contains multiple impermissible subparts, which
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1 Propounding Party has propounded to circumvent the numerical limitations
2 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

3 Responding Party further objects to this interrogatory on the grounds
4 that it seeks information that is outside of Responding Party's knowledge.

5 Responding Party further objects to the extent that this interrogatory
6 invades attorney-client privilege and/or violates the work product doctrine by
7 compelling Responding Party to disclose privileged communications and/or
8 litigation strategy.

9 Subject to and without waiver of the foregoing objections, Responding
10 Party responds as follows:

11 In addition to each defendant named in his individual capacity and
12 other persons identified in Plaintiffs' initial and Supplemental Disclosures,
13 and the evidence submitted in support of Plaintiffs motion for class
14 certification, Responding Party identifies the following individuals:

15 Diana Reed: believes that Blakeman engaged in a concerted effort
16 with other Bay Boys to obstruct the plaintiffs' and the publics' free passage
17 and use in the customary manner of a public space. Reed also believes that
18 Blakeman coordinated with other Bay Boys to harass and assault the
19 plaintiffs and the public when they were visiting Lunada Bay. Reed believes
20 that the conduct directed at the plaintiffs and others trying to surf Lunada
21 Bay is part of an agreement among Blakeman and the other Bay Boys,
22 which at a minimum, may be implied by the conduct of the parties and other
23 members of the Bay Boys. Reed believes that the Bay Boys concerted
24 efforts to stop the public from accessing the beach are documented in text
25 messages and emails some of which have been destroyed or are being
26 withheld by the Defendants in this case. For example, on February 5, 2016,
27 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom
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1 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and
2 several others that said "There are 5 kooks standing on the bluff taking
3 pictures...I think that same Taloa guy. Things could get ugly." A Los Angeles
4 Times photographer captured a pictured of Defendant Blakeman of the bluff
5 filming plaintiffs. Plaintiffs believe that the Bay Boys take photos and/or
6 video tape people as a form of harassment and intimidation. For example,
7 plaintiffs are also informed and believe that a Lunada Bay local named
8 Joshua Bernstein was taking pictures at the MLK 2014 paddle out. Plaintiffs
9 are also informed and believe that Bernstein told several people after he
10 photographed them, "Now we know who you are." Plaintiffs believe that the
11 conducted directed at Reed by Blakeman and the individual Bay Boys is
12 because she is a woman. Plaintiff is informed and believes that there are
13 numerous text messages where the Bay Boys refer to Reed as a "bitch" and
14 make sexual comments about her.

15 The specific acts directed against Reed include but are not limited to
16 the following:

17 i) Reed went to Lunada Bay on January 29, 2016 with Jordan
18 Wright. Reed had intended to surf at Lunada Bay that day because the
19 conditions were such that she felt comfortable surfing.²⁷ Immediately after
20 they parked their car along the bluffs, the harassment began. Several men
21 drove by and circled around their car. This was the day that she and Wright
22 were harassed and intimidated by David Melo. Blakeman was recording
23 them on land with his camera. It was very disturbing to Reed and made her
24

25
26 ²⁷ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 feel very uncomfortable. Plaintiffs are informed and believe that this was
2 witnessed by John MacHarg.

3 ii) On or about February 12, 2016, The Los Angeles Times
4 published an article called "Bay Boys surfer gang cannot block access to
5 upscale beach, Coastal Commission says." Jordan Wright and Cory
6 Spencer are quoted in the article. Mr. Wright and a few others had planned
7 to surf Lunada Bay the following morning. Plaintiffs are informed and believe
8 that Defendants Johnston and Blakeman learned that Jordan Wright and
9 Diana Reed were going to Lunada Bay and planned to be there to harass
10 them. On February 12, 2016, Defendant Alan Johnston sent the following
11 text messages to an unknown recipient: "No fucking way Taloa is back this
12 year" and "If u really wanna be a bay boy we might meet help tomm."

13 iii) On February 13, 2016, Reed returned to Lunada Bay with
14 Jordan Wright to watch him surf and take photographs. Prior to her arrival,
15 she contacted the Palos Verdes Estates Police and requested an escort
16 from the bluffs to the beach. She was concerned about her safety given the
17 January 29, 2016 incident. She was told that the police were unavailable
18 and no officers were present when they arrived. When Reed and Wright
19 reached the beach, they encountered angry locals who were yelling at them.
20 Reed and Wright ignored the harassment and Wright got into the water to
21 surf and Reed made her way to the Rock Fort where she planned to watch
22 Wright and photograph him.

23 Approximately two hours after Reed had arrived at Lunada Bay, while
24 she was standing in the Rock Fort taking photos, Blakeman and defendant
25 Alan Johnston rushed into the fort and ran towards her in a hostile and
26 aggressive manner. It seemed that they had coordinated and orchestrated
27 the attack which completely caught Reed off guard. Blakeman was filming
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1 Reed again, and at times, held his camera right in her face. It was
2 intimidating and harassing to Reed, and she feared for her safety.

3 Reed asked Blakeman and Johnston why they were filming her,
4 because it made her uncomfortable. Blakeman responded, "because I feel
5 like it." Johnston responded, "because you're hot. Because you're fucking
6 sexy baby, woohh!" Johnston then opened a can of beer in a purposeful
7 way so that it sprayed Reed's arm and her camera. Reed, paralyzed with
8 fear, was unable to leave the Rock Fort as Blakeman and Johnston were
9 standing closest to the exit.

10 iii) Plaintiffs are informed and believe that after the incident
11 Defendant Johnston started calling and/or texting other Lunada Bay locals to
12 check for police to plan a getaway. At around 1:00 pm Brad Travers (Travers
13 Tree Service) texted Johnston: "Don't see any cops at the top." Plaintiffs are
14 informed and believe that later that day Johnston received a text from his
15 mother asking him "What happened at the bay?" Johnston replied "Nothing
16 happened really just couple of trolls they got nothing."

17 Reed further identifies the following individuals as having knowledge of
18 concerted efforts by the Bay Boys, including Blakeman:

19 Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada
20 Bay. Almost instantly after they arrived at Lunada Bay, they started getting
21 harassed by Bay Boys. They were told that they couldn't surf there, and
22 Spencer was called a "kook," which is a derogatory surfing term. Spencer
23 was also told: "why don't you fucking go home, you fucking kook;" and was
24 asked, "how many other good places did you pass to come here?" These
25 are the same types of statements made by Defendant Sang Lee and others
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1 that can be observed on the video published by the Guardian.²⁸ These
2 taunts started while Spencer and Taloa were on the bluffs getting ready to
3 surf. One individual continued to heckle Spencer and Taloa on their way
4 down to the beach and into the water.

5 Blakeman was already in the water and began paddling around
6 Spencer and Taloa in a tight circle – staying just a few feet away from them.
7 There was no legitimate reason for this conduct. Reed believes that this is a
8 tactic used by the Bay Boys to harass people.²⁹ Blakeman impeded
9 Spencer’s movement in any direction and was intentionally blocking him
10 from catching any waves. It was clear to Spencer that Blakeman was not
11 there to surf that morning. Instead, his mission was to prevent Spencer and
12 Taloa from surfing and to keep them from enjoying their time in the water,
13 the open space, the waves, and nature. This the type of concerted effort was
14 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
15 people from surfing at Lunada Bay. In the approximately 90 minutes that
16 Spencer was in the water that day, Blakeman was focused on Spencer and
17 Taloa and continued to shadow their movements and sit uncomfortably
18 close to them. Spencer had never experienced anything like that before in
19 his life. It was bizarre but also incredibly frightening and disturbing. It
20 appeared to Spencer that Blakeman was coordinating his actions with a
21 group of guys who were standing in the Rock Fort, along with others in the
22 water. They were all talking to each other and it was clear they all knew

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25 ²⁸ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
26 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

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28 message describing similar conduct: “We just had a kook out in the water
and me and Jack just sat on his ass.”

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2 At one point while Spencer was in the water and was paddling west
3 out to the ocean, he saw a man surfing, coming in east towards the shore.
4 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
5 of the fins on his surfboard sliced open his right wrist. Spencer has about a
6 half-inch scar from where this man ran him over. As soon as the Bay Boy
7 ran him over, he started berating Spencer, saying things like "what are you
8 fucking doing out here? I told you to go home. I should have run you over.
9 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
10 was pretending that he didn't see Spencer but it was obvious that he did and
11 intentionally ran him over. With over 30 years of surfing experience, Spencer
12 knew that this collision was intentional on his part. Fearful of being further
13 injured at that point, and not wanting to get into an argument with him,
14 Spencer just paddled away. Spencer and Taloa caught one more wave after
15 that and then decided it was getting too dangerous to surf. More men started
16 showing up at the Rock Fort and Spencer and Taloa were growing
17 increasingly fearful for their safety. Spencer was also bleeding and in pain.
18 These incidents are described in the declarations filed with Plaintiffs' motion
19 for class certification and the deposition of Spencer.

20 Christopher Taloa: As set forth above, Taloa and Spencer went surfing
21 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
22 shadowing Spencer's movement in the water. Blakeman was in the water
23 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
24 toward Taloa, at which point Taloa told him that he was too close.
25 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
26 Taloa kept moving in the water, and Blakeman attempted to keep up with
27 him but was not in good enough shape to do so.

28

1 Jen Bell: The incident described above was witnessed by a woman
2 named Jen Bell who had gone to Lunada Bay that same day to photograph
3 a guy from Malibu. When she attempted sit down on the beach with her
4 pack, a man said: "You are practically sitting in a men's locker-room. You
5 don't make me feel comfortable." Bell continued to sit there for another 10
6 minutes because she refused to be intimidated but eventually decided to head
7 over to the fort because she saw another woman, Diana Reed, was taking
8 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It
9 was obvious from the start that Johnston and Blakeman were there with the
10 intent to harass Reed. Johnston was making rude comments to both her and
11 Reed. Blakeman was putting the GoPro in their faces. Johnston was
12 chugging multiple beers and it was early in the morning. Johnston asked her
13 to help him with his wetsuit. He said "Can you help me with this?" and
14 handed her the leg of his wetsuit. Johnston made moaning sounds when
15 she took it like he was having an orgasm.

16 Jordan Wright: Wright attempted to surf Lunada Bay in January 2015
17 with Chris Claypool and Kenneth Claypool. He observed Blakeman
18 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
19 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
20 foot-high wave and was up riding for several seconds. Alan Johnston
21 paddled the wrong way on this wave, dropped in on him going the wrong
22 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
23 while going the wrong way violates normal surf etiquette. Johnston then
24 collided with Wright, and their leashes got tangled. After they surfaced from
25 the collision, Johnston then got close to Wright and yelled, "You had to
26 fucking take that wave, didn't you!" The next wave that came through then
27 broke Wright's leash plug and the board was carried into the rocks, which
28

1 destroyed a new surfboard. Wright had to swim in over rocks to get his
2 board and cut his hands on the rocks doing so. Wright is confident that
3 Johnston attempted to purposefully injure him. What he did was extremely
4 dangerous.

5 Wright has observed Blakeman on many occasions. Blakeman is easy
6 to identify because he rides a kneeboard and he is regularly filming visitors
7 on land with a camcorder. Wright believes his filming is an effort to intimidate
8 visitors. In the water, Wright has observed what appears to be Blakeman
9 directing other Bay Boys to sit close to visiting surfers. Wright has observed
10 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
11 the visitors, impede their movements, block their surfing, kick at them,
12 splash water at them, and dangerously drop in on them. In addition to
13 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
14 Charlie Ferrara, and David Melo engage in this activity. These incidents are
15 described in the declarations filed with Plaintiffs' motion for class
16 certification.

17 Ken Claypool: has been harassed and filmed by Blakeman in an
18 attempt to intimidate him at Lunada Bay on multiple occasions. In January
19 2015, Claypool and his brother Chris Claypool along with Jordan Wright
20 went to surf Lunada Bay. There were about five Lunada Bay locals in the
21 water, including Blakeman who paddled over and threatened them. Claypool
22 observed Blakeman intentionally drop in on Wright at least twice.

23 On February 5, 2016, Claypool went to Lunada Bay with Chris Taloa
24 and Jordan Wright. There was a photographer from the Los Angeles Times
25 that was there. Also in attendance was Cory Spencer and Diana Reed.
26 Spencer was there to watch the cars. Blakeman was there filming in an
27 effort to intimidate visitors. Blakeman can be seen in one of the pictures
28

1 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
2 are informed and believe that there was a text message sent that day to
3 Papayans, Michael Theil and 11 other people stating that there were 5
4 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are
5 informed that the text states: "Things could get ugly. We all need to surf."
6 These incidents are described in the declarations filed with Plaintiffs' motion
7 for class certification.

8 Chris Claypool: he and his brother Ken and Jordan Wright attempted
9 to surf Lunada Bay in January 2015. There were about five locals in the
10 water, including Blakeman who paddled over and was yelling, "Try and catch
11 a wave and see what happens. There is no fucking way you are getting a
12 wave. Just go in. Just go. You better not cut me off." Blakeman looked
13 possessed or possibly on drugs. His behavior got more bizarre throughout
14 the morning. He seemed to be paddling for every wave that he could
15 physically push himself into, perhaps to make a point, but he was wiping out
16 a lot and falling down the face and tumbling across the rock reef. Blakeman
17 looked dangerous to himself. When Blakeman would actually catch a wave
18 in, he would paddle back to where Claypool and his brother were sitting, and
19 continue his insane rant. On one occasion, Blakeman came less than 12
20 inches from Claypool's ear and was screaming. It was so loud, Claypool had
21 to put his fingers in his ear to protect them from being damaged. Claypool is
22 a sound engineer and to put this in perspective, a rock concert creates about
23 120 decibels of noise - this was louder; a jet engine creates about 150
24 decibels. At one point Blakeman caught a wave and drew a line aiming right
25 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
26 as he narrowly missed Claypool's head. Claypool watched as Blakeman
27 intentionally dropped in on Jordan at least twice. It seemed obvious to
28

1 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
2 them were having fun. Because of the danger, they decided to leave.

3 When Claypool and his brother got out of water, they saw people
4 gathering on top of the cliff. One person was videotaping them from the top
5 of the cliff; it was clear to Claypool that he was doing this to try and
6 intimidate them. The people were watching them from the cliff. It was
7 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
8 obstruct his free passage and use in the customary manner of a public
9 space. It also seemed clear that Blakeman engaged in a concerted effort
10 with other Bay Boys to try and injure him. These incidents are described in
11 the declarations filed with Plaintiffs' motion for class certification.

12 Jason Gersch: While observing the surf, Gersch was approached by
13 two local Bay Boys named Peter McCollum and Brant Blakeman. These
14 individuals made it known to Gersch that he could not surf there. These
15 incidents are described in the declarations filed with Plaintiffs' motion for
16 class certification.

17 Plaintiffs are informed and believe and on that basis allege that
18 Defendant Blakeman and his attorneys are attempting to intimidate
19 witnesses in this case. On at least two occasions, an investigator hired by
20 Blakeman's attorneys contacted witnesses represented by Plaintiffs'
21 attorneys. The investigator also showed up at the home of a reporter that
22 has not been listed as a witness.

23 The request is premature. Because Blakeman and the other
24 defendants are refusing to comply with their obligations to produce
25 documents under the federal rules and are impermissibly withholding
26 evidence and/or possibly spoliating evidence, we are not able to fully
27 respond to discovery requests which necessarily rely on our ability to fully
28

1 investigate the facts. As discovery is continuing, Reed reserves the right to
2 update this response.

3
4
5 DATED: February 24, 2017

OTTEN LAW, PC

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8
9
10 By: /s/Victor Otten

VICTOR OTTEN

KAVITA TEKCHANDANI

Attorneys for Plaintiffs

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13 REED, and COASTAL PROTECTION
14 RANGERS, INC.
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1 PROOF OF SERVICE

2 *Spencer, et al. v. Lunada Bay Boys, et al.*

3 U.S.D.C. for the Central District of California

4 Case No. 2:16-cv-02129-SJO (RAOx)

5 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

6 At the time of service, I was over 18 years of age and not a party to
7 this action. I am employed in the County of Los Angeles, State of California.
8 My business address is: 3620 Pacific Coast Highway, Suite 100, Torrance,
9 CA 90505.

10 On February 24, 2017, I served the original or a true copy of the
11 following document(s) described as:

12 **PLAINTIFF DIANA MILENA REED'S (FURTHER) SUPPLEMENTAL
13 RESPONSE TO INTERROGATORIES, SET ONE PROPOUNDED BY
14 DEFENDANT BRANT BLAKEMAN**

15 on the interested parties in this action as follows:

16 **SEE ATTACHED SERVICE LIST**

17 **BY MAIL:** I enclosed the document(s) in a sealed envelope or
18 package addressed to the persons at the addresses listed in the Service List
19 and placed the envelope for collection and mailing, following our ordinary
20 business practices. I am readily familiar with Hanson Bridgett LLP's practice
21 for collecting and processing correspondence for mailing. On the same day
22 that correspondence is placed for collection and mailing, it is deposited in
23 the ordinary course of business with the United States Postal Service, in a
24 sealed envelope with postage fully prepaid.

25 I declare under penalty of perjury under the laws of the United States
26 of America that the foregoing is true and correct and that I am employed in
27 the office of a member of the bar of this Court at whose direction the service
28 was made.

Executed on **February 24, 2017**, at Torrance, California.

/s/ Victor Otten

Victor Otten

SERVICE LIST

Spencer, et al. v. Lunada Bay Boys, et al.
U.S.D.C. for the Central District of California
Case No. 2:16-cv-02129-SJO (RAOx)

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